

PB# 95-20

RHODES FUNERAL HOME

13-5-29

95- 20 Rhodes, Linwood S.A.
Walsh Rd. (Coppola) Funeral Home

Approved 3-19-96

77 P... +! Hand - H... +! Hand, Grov. N.Y. 10928

CR	CODE	AMOUNT
453		150.00

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By Dorothy Hansen
Town Clerk
 Title

Planning Board
 Town Hall
 555 Union Ave.
 New Windsor, N.Y. 12553
 NO. 95-20
June 8, 1995
 RECEIVED FROM Linwood Rhodes, Jr.
Seven Hundred Fifty 00/100 DOLLARS
S. P. Minimum Escrow
 Account Total \$ 750.00 CK # 452
 Amount Paid \$ 750.00
 Balance Due \$ -0- Myna Mason, Secy to the P.B.
Donna Peterson Clk
 "THE EFFICIENCY LINE" AN AMPAD PRODUCT

TOWN OF NEW WINDSOR
 555 Union Avenue
 New Windsor, NY 12550

GENERAL RECEIPT

Received of Linwood Rhodes, Jr. March 19 1996 15378
One Hundred 00 DOLLARS
 For Planning Board #95-20 Approval Fees
 DISTRIBUTION

FUND	CODE	AMOUNT
CR # 799		100.00

By Dorothy H. Hansen
Town Clerk

Wilson Jones - Carbonless - S162-4WCL Duplicate - S164-4WCL Triplicate
 MADE IN U.S.A.
 © Wilson Jones, 1989

RECEIPT NUMBER 95-20

DATE March 19, 1996
 RECEIVED FROM Linwood Rhodes, Jr.
 Address 37 South Street - Highland Falls, N.Y. 10928
Four Hundred Twenty-Five 00/100 DOLLARS \$425.00
 FOR 2% of \$21,250.00 Cost Estimate - Inspection fee

ACCOUNT		HOW PAID	
BEGINNING BALANCE	425 00	CASH	
AMOUNT PAID	425 00	CHECK	#798
BALANCE DUE	-0-	MONEY ORDER	

BY Myna Mason, Secy to the P.B. 3/20/96

M. Callahan
542-11

3/19/96
for
Eng 200.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/11/96

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 95-20

NAME: FUNERAL HOME CONVERSION AT 161 WALSH ROAD
APPLICANT: RHODES, LINWOOD

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
01/10/96	P.B. APPEARANCE . APPROVED CONDITIONAL: NEED COPY OF SKETCH OF OUTSIDE OF . BUILDING. GUIDERAIL/PER MARK E. COST ESTIMATE	LA:ND WVE P.H. APPR
01/03/96	WORK SESSION APPEARANCE	REVISE & SUBMIT
06/14/95	P.B. APPEARANCE	REFERRED TO Z.B.A.
06/07/95	WORK SESSION APPEARANCE	SUBMIT APPLICATION
05/03/95	WORK SESSION APPEARANCE	REVISE & RET. TO WS
03/19/95	PLANS STAMPED	APPROVED

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/11/96

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 95-20

NAME: FUNERAL HOME CONVERSION AT 161 WALSH ROAD
APPLICANT: RHODES, LINWOOD

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV1	01/04/96	MUNICIPAL HIGHWAY	01/06/96	APPROVED
REV1	01/04/96	MUNICIPAL WATER	01/05/96	APPROVED
REV1	01/04/96	MUNICIPAL SEWER	/ /	
REV1	01/04/96	MUNICIPAL FIRE	01/05/96	APPROVED
ORIG	06/08/95	MUNICIPAL HIGHWAY	07/18/95	DISAPPROVED
ORIG	06/08/95	MUNICIPAL WATER . NOTIFY WATER DEPT. FOR ANY WATER LINE CHANGE	06/12/95	APPROVED
ORIG	06/08/95	MUNICIPAL SEWER	01/04/96	SUPERSEDED BY REV1
ORIG	06/08/95	MUNICIPAL FIRE	06/12/95	APPROVED
ORIG	06/08/95		01/04/96	SUPERSEDED BY REV1
ORIG	06/08/95		01/04/96	SUPERSEDED BY REV1

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/11/96

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 95-20

NAME: FUNERAL HOME CONVERSION AT 161 WALSH ROAD
APPLICANT: RHODES, LINWOOD

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	01/10/96	EAF SUBMITTED	06/08/95	WITH APPLICATION
ORIG	01/10/96	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	01/10/96	LEAD AGENCY DECLARED	01/10/96	TOOK LEAD AGENCY
ORIG	01/10/96	REQUEST FOR INFORMATION	/ /	
ORIG	01/10/96	DECLARATION (POS/NEG)	01/10/96	DECL. NEG DEC

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/11/96

PAGE: 1

LISTING OF PLANNING BOARD FEES
4% FEE

FOR PROJECT NUMBER: 95-20

NAME: FUNERAL HOME CONVERSION AT 161 WALSH ROAD

APPLICANT: RHODES, LINWOOD

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
03/19/96	2% OF 21,150.00 COST EST.	CHG	425.00		
03/19/96	REC. CK. #798	PAID		425.00	
		TOTAL:	425.00	425.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/11/96

PAGE: 1

LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 95-20

NAME: FUNERAL HOME CONVERSION AT 161 WALSH ROAD
APPLICANT: RHODES, LINWOOD

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
03/19/96	S.P. APPROVAL FEE	CHG	100.00		
03/19/96	REC. CK. #799	PAID		100.00	
		TOTAL:	100.00	100.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 03/18/96

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 95-20

NAME: FUNERAL HOME CONVERSION AT 161 WALSH ROAD
APPLICANT: RHODES, LINWOOD

---DATE---	DESCRIPTION-----	TRANS	---AMT-CHG	---AMT-PAID	---BAL-DUE
06/08/95	REC. CK. #452	PAID		750.00	
06/14/95	P.B. ATTY. FEE	CHG	35.00		
06/14/95	P.B. MINUTES	CHG	9.00		
01/10/96	P.B. ATTY. FEE	CHG	35.00		
01/10/96	P.B. MINUTES	CHG	54.00		
03/19/96	P.B. ENGINEER FEE	CHG	200.00		
03/19/96	RET. TO APPLICANT	CHG	417.00		
		TOTAL:	750.00	750.00	0.00

*Please issue a check
in the amount of \$417.00 to:*

*Linwood Rhodes, Jr.
37 South Street
Highland Falls, N.Y. 10928*

3/6/96
Approval

SITE PLAN FEES - TOWN OF NEW WINDSOR
(INCLUDING SPECIAL PERMIT)

Pd Upon
Applic.

APPLICATION FEE:.....\$ 100.00

* * * * *

ESCROW:

SITE PLANS (\$750.00 - \$2,000.00).....\$ 750.00

Pd Upon
Applic.

MULTI-FAMILY SITE PLANS:

_____ UNITS @ \$100.00 PER UNIT (UP TO 40 UNITS).....\$ _____

_____ UNITS @ \$25.00 PER UNIT (AFTER 40 UNITS).....\$ _____

TOTAL ESCROW PAID:.....\$ _____

* * * * *

PLAN REVIEW FEE: (EXCEPT MULTI-FAMILY) \$ 100.00

(A)

PLAN REVIEW FEE (MULTI-FAMILY): A. \$100.00
PLUS \$25.00/UNIT B. _____

TOTAL OF A & B: \$ N/A

RECREATION FEE: (MULTI-FAMILY)

\$500.00 PER UNIT

_____ @ \$500.00 EA. EQUALS: \$ N/A
NUMBER OF UNITS

SITE IMPROVEMENT COST ESTIMATE: \$ 21,250.00

2% OF COST ESTIMATE \$ 425.00 EQUALS \$ 425.00

(B)

TOTAL ESCROW PAID:.....\$ 750.00
~~21,250.00~~

TO BE DEDUCTED FROM ESCROW: _____

RETURN TO APPLICANT: \$ _____

ADDITIONAL DUE: \$ _____

SITE PLAN FEES - TOWN OF NEW WINDSOR
(INCLUDING SPECIAL PERMIT)

APPLICATION FEE:.....\$ 100.00 *21*

* * * * *

ESCROW:

SITE PLANS (\$750.00 - \$2,000.00).....\$ _____

~~MULTI-FAMILY SITE PLANS:~~

~~_____ UNITS @ \$100.00 PER UNIT (UP TO 40 UNITS)....\$ _____~~

~~_____ UNITS @ \$25.00 PER UNIT (AFTER 40 UNITS).....\$ _____~~

~~TOTAL ESCROW PAID:.....\$ _____~~

* * * * *

PLAN REVIEW FEE: (EXCEPT MULTI-FAMILY) \$ 100.00 *CK 799*

PLAN REVIEW FEE (MULTI-FAMILY): A. \$100.00
PLUS \$25.00/UNIT B. _____

~~TOTAL OF A & B: \$ _____~~

~~RECREATION FEE: (MULTI-FAMILY)~~

~~\$500.00 PER UNIT~~

~~_____ @ \$500.00 EA. EQUALS: \$ _____~~
~~NUMBER OF UNITS~~

SITE IMPROVEMENT COST ESTIMATE: \$ _____

2% OF COST ESTIMATE \$ 21,250.00 EQUALS \$ 425.00 *CK 798*

TOTAL ESCROW PAID:.....\$ 750.00

TO BE DEDUCTED FROM ESCROW: 333.00

RETURN TO APPLICANT: \$ 417.00

ADDITIONAL DUE: \$ _____



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

5 March 1996

MEMORANDUM

TO: Myra Mason, Planning Board Secretary

FROM: Mark J. Edsall, P.E., Planning Board Engineer

SUBJECT: RHODES SITE PLAN
NEW WINDSOR PLANNING BOARD NO. 95-20

I have reviewed the final plan for the subject project and believe same is acceptable for stamp of approval. As well, I have reviewed the site plan construction estimate. A copy of the revised estimate is attached hereto. I believe this revised estimate is acceptable for the purposes outlined in the Town Zoning Code.

If you have any further questions regarding this application, please do not hesitate to contact the undersigned.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:3-5-2E.mk

Need fee?

Anthony J. Coppola, R.A.

Design, Architecture, and Planning

175 Liberty Street, Newburgh, NY 12550 • Tel: 914-561-3559 • Fax: 914-561-2051

February 24, 1996

Project: Site Plan for 161 Walsh Rd. - Linwood Rhodes Jr.

Re: Estimated Sitework Construction Costs

	Item	Quantity		Unit Cost	Total
1.	Rough Grading and Fill Section				\$5,000.00
2.	Concrete Curbing	100	LF	\$10 \$11.00	\$1,000.00
3.	Retaining Wall and Guardrail				\$5,000.00
4.	Site Lighting	1	EA	\$4,000.00	\$4,000.00
5.	New Paved Parking Lot	6,500	SF	\$1.50	\$9,750.00
6.	Landscaping and Final Grading				\$1,500.00
	Contractor's Overhead and Profit				\$2,635.00
	Total:				\$28,985.00

\$ 21,250
(Fee x 2% \$425)

Anthony J. Coppola, R.A.

Design, Architecture, and Planning

175 Liberty Street, Newburgh, NY 12550 • Tel: 914-561-3559 • Fax: 914-561-2051

February 24, 1996

Project: Site Plan for 161 Walsh Rd. - Linwood Rhodes Jr.

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	Item	Quantity		Unit Cost	Total
1.	Rough Grading and Fill Section				\$5,000.00
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5.	New Paved Parking Lot	6,500	SF	\$1.50	\$9,750.00
6.	Landscaping and Final Grading				\$1,500.00
	Contractor's Overhead and Profit				\$2,635.00
	Total:				\$28,985.00

2/26/96 mc

RESULTS OF P.B. MEETING

DATE: January 10, 1996

PROJECT NAME: Rhodes, Linwood PROJECT NUMBER 95-20

LEAD AGENCY:

NEGATIVE DEC:

M) 5 S) 0 VOTE: A 3 N 0

M) 0 S) 5 VOTE: A 3 N 0

CARRIED: YES ☒ NO ☐

CARRIED: YES: ☒ NO ☐

PUBLIC HEARING: M) 0 S) 5 VOTE: A 3 N 0

WAIVED: YES ☒ NO ☐

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.B.A.: M) S) VOTE: A N YES NO

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) S) VOTE: A N APPROVED:

M) 0 S) 5 VOTE: A 3 N 0 APPR. CONDITIONALLY: 1-10-96

NEED NEW PLANS: YES NO

DISCUSSION/APPROVAL CONDITIONS:

Need copy of Building sketch
Underail per Mark
Signage is OK - 20 s.f. total 10 s.f. each side
Cost estimate

RHODES, LINWOOD SITE PLAN (95-20) WALSH ROAD

Mr. Anthony Coppola and Mr. Linwood Rhodes appeared before the board for this proposal.

MR. PETRO: Bring us up to date. Did we look at this one other time?

MR. COPPOLA: I think we were here for the first preliminary meeting in July. Basically, at that time, it was just a quick run through. We were--

MR. PETRO: Referred to zoning.

MR. COPPOLA: Kicked over to ZBA on two items, a use variance and a parking variance.

MR. PETRO: They are on the map.

MR. COPPOLA: I made reference to them on a site plan notes under item 6.

MR. DUBALDI: That is across from Petrillo's, right?

MR. COPPOLA: Yes, I think so.

MR. COPPOLA: I wasn't sure about the wording.

MR. PETRO: Mark is that acceptable number 6 the way it is written? It's a small item.

MR. EDSALL: I think the whole key is to make a reference so that if ten years from now we want to find out when he got the variance, I think it's adequate.

MR. PETRO: Go ahead.

MR. COPPOLA: So basically where we went through two public hearings at the zoning board finally got our approval in December for a use and a parking variance and basically now we're back here tonight to show our proposed improvements on the site. Basically this is a conversion of an existing commercial one story commercial building into a funeral home. Kind of go over the site plan fairly quickly, we have already had

a recent workshop with Mark, let me pass around some pictures here.

MR. PETRO: At the zoning board, you had a public hearing, was there a number of people that showed up for this?

MR. COPPOLA: Yes, we had two public hearings, first one was in August and second one was in December and each at each meeting we probably had a mailing to 300 people or everybody within 300 feet of the property and there was at least probably at least I'd say eight to ten property owners each time who came.

MR. PETRO: Their major concerns?

MR. COPPOLA: Their major concern was really the use you know they talked a lot about traffic, traffic was basically the big item that they talked about but it wasn't really anything specific to this site like specific things that we could mitigate against like landscaping or site lighting or something like that. It was basically against the use and through the two public hearings, we basically went through and made the argument through the use of the property that we felt that this was the basically the best use for the property under the existing R-4 zoning regulations and went through what's proposed in the zoning regulations for those uses item by item and basically gave an argument for each item that stated why this building wasn't appropriate at all for that use for a single family home, for all those uses that are allowable.

MR. PETRO: Obviously, the zoning board agreed with you.

MR. DUBALDI: Was it a unanimous?

MR. KRIEGER: Four to one.

MR. COPPOLA: Three or four to one.

MR. PETRO: I'm leading up to a couple things, the parking obviously you have it drawn on the map and Mark's reviewed it at the workshop, a funeral home

don't you have to have so many spaces for each parlor?

MR. DUBALDI: They got a variance for that.

MR. PETRO: Doesn't look like enough parking to me, I'm not sure that they grant the variance how many spaces are you providing?

MR. COPPOLA: Okay, the zoning ordinance calls for 30 per parlor, we're providing as many as we can on the site which is 13 and we got the variance for the second or for the balance which would be 17. But we really made the argument several times in front of the ZBA and I'll have Linwood present that to you about the type of funeral home operation that he runs really why it makes sense that he, under his operation, that he really doesn't need the parking. If you'd like, he can talk a little bit.

MR. PETRO: That is fine, we can talk with Mr. Rhodes later obviously once the board approves this as a funeral home, it doesn't necessarily have to stay his funeral home, it can become Coloni's in two weeks or someone else that doesn't run his operation, we have no recourse to get somebody back in there to come in with the 30 spots.

MR. DUBALDI: We're approving the plan, not a person.

MR. PETRO: I'm trying to think of the zoning board reasoning, that is quite a variance.

MR. KRIEGER: The opportunity for him to do sell it for a more normal funeral home use is economically very limited because anybody who is going to come in and want to run a, for lack of a better word, I'll say traditional funeral home use is going to want parking regulations aside, they are going to want that parking. If you have ever been to a place like Coloni's when they have a funeral, so he doesn't have an economically, in terms of selling this to a another funeral home operator who is going to operate it in a customary fashion.

MR. PETRO: They are going to park on the street.

MR. KRIEGER: That was a concern voiced at the hearings, both of them, I'm not sure that that is a concern that the planning board can do anything about. But I would suggest that the planning board may want to make a recommendation to the town board that that street be posted there so that that would be prohibited.

MR. PETRO: Can we take care of number 3 just so I want to do something here to strengthen, make a motion that the planning board become lead agency under SEQRA.

MR. DUBALDI: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Rhodes funeral home site plan on Walsh Avenue. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. STENT	AYE
MR. DUBALDI	AYE
MR. PETRO	AYE

MR. PETRO: Let's go over the plan a little bit more and get back to Mark, other than that parking, I know the site, I have been passed it a number of times, I mean it's pretty well cut and dry, I know it's been there for quite a while, it's been vacant for a while, I think is it Mr. Linwood? I keep saying that.

MR. COPPOLA: Mr. Rhodes.

MR. PETRO: Just tell us a little bit about your operation. I'm a little bit confused why the Zoning Board would grant a variance.

MR. RHODES: When they came up with 30 parking spaces it was brought to my attention they based it on Coloni's funeral home operation and traditional black funeral homes your services, your calling hours and your services is done in the church. It's not done in

the funeral home. If you ever looked at a funeral bill itemization statement, you'll see it's a use of the facility and black funeral homes you don't use the facility.

MR. PETRO: You're going to tailor your business only to black funerals? What if a white person wants to come in?

MR. RHODES: If a white person comes in, they are more than welcome to come in but I'm saying tradition they don't come, okay.

MR. DUBALDI: We just don't want to create a bad situation on Walsh Road with parking.

MR. RHODES: That was addressed at the meeting also. Let's face it, I'm running a service and in the funeral home you have got people blocking the Walsh Road area there and the policeman is coming in asking people to move their cars, people don't want to come back anymore. Number 2, is if you are providing some off-street parking for families that would come in for there viewing, there will be times you'll have services at the funeral home and normally, that is when the deceased person doesn't have any family and Social Services require you to have a minimal type service for them. I don't have a facility now and I'm doing services, if you ever pick up the newspaper and you'll see that the calling hours is done in the church and the funeral service to follow, okay. If you go back maybe about three or four weeks ago, Coloni Funeral Home handled a black family, calling hours was done in the church, funeral services in the church, doesn't make any difference what facility you go to, traditionally that is how a black service is done.

MR. PETRO: I think that is--

MR. COPPOLA: If I can make one point the way it is in the zoning ordinance is really not the best way, I mean just per parlor, I don't think the parlor is even defined. In other words, there's a parlor, you know, hundred square feet or a parlor that is 1,000 square feet, it should be based more on the occupancy of that

parlor, and if you just think of going back the other way we're providing 13 spaces, maybe you count that as three people per car so we're providing maybe up to 40 people that could park off the street here. Our parlor is only going to be about 600 square feet so that makes sense in terms of the size of the parlor and the size of the total parking.

MR. PETRO: I don't want to keep going on I like Andy's idea with the parking, if it became a real problem after the first two, then the police can only sign the street, I didn't want to second guess the zoning board, they granted the variance, I'm just trying to understand why they granted such a variance. Let me ask you this, too, Mike, maybe you'll know or probably Ed, what was the building used for prior to this?

MR. STENT: Used to be small engine repair type business office was in there.

MR. KRIEGER: Then it was home cleaning.

MR. PETRO: Basically what Mr. Rhodes is here for change of use.

MR. BABCOCK: Yes, that is correct.

MR. KRIEGER: It had all commercial uses prior but it is in fact zoned R-4 since the prior commercial use was A, of a different type and B, had been discontinued for a period of two years at least, the building loss and the property loss, it's status as a pre-existing non-conforming use, thereby necessitating this applicant to seek variances from the zoning board.

MR. PETRO: Are you in contract to buy this property?

MR. RHODES: Yes.

MR. PETRO: Subject to obviously getting all the approvals for your use?

MR. RHODES: Yes.

MR. PETRO: Any landscaping at all?

MR. COPPOLA: If you look at the pictures, there's not too much area but there is a little area right in front of property here we have designated one deciduous tree, a dogwood tree and then a few other bushes around it, that is kind of the only area, we're so close to the property line here. We can't put anything outside our property.

MR. STENT: Are you going to be putting curbing in?

MR. COPPOLA: Yeah, basically the idea we're going to return the curbing right up front flush to the front facade on both sides so that will kind of neaten up.

MR. STENT: There's no curb there now.

MR. COPPOLA: There's no curb, there's no storm drainage, there's pavement there but there's really no curbing in the whole rest of it.

MR. PETRO: I see you have a detail for looks like a retaining wall.

MR. COPPOLA: In the back this property goes off quite a bit, it actually probably goes off steeper than the contours show. So what we're going to actually have to do in the back here is put up a retaining wall and fill up to that retaining wall and then we have a little guardrail detail to provide some protection from the edge of that.

MR. DUBALDI: How high?

MR. COPPOLA: The wall itself is only going to be five or six feet high but the wall is going to be on a hill so at the bottom of the wall, it's still going to go down further, it is steep.

MR. PETRO: Versalock block, standard?

MR. COPPOLA: Yeah, something like that.

MR. PETRO: Not pressure treated, going to be block as stated?

MR. COPPOLA: Yes, exactly.

MR. EDSALL: You said the retaining wall is going to be on fill?

MR. COPPOLA: No, we're going to fill.

MR. EDSALL: Behind the retaining wall?

MR. COPPOLA: Yeah.

MR. EDSALL: You're showing a maximum of five foot here for the retaining wall in height, so you are basically saying you're going to put your stone base, your foundation in existing soil and then build up?

MR. COPPOLA: Yeah, yeah.

MR. DUBALDI: What's going to prevent people from driving out of the parking spot and down the hill?

MR. COPPOLA: There is a little detail there, it's basically going to be a pressure treated wood 6 X 6 posts and then like a 2 X 10 guardrail so I mean it's not something like a state guardrail but it is going to provide something there.

MR. DUBALDI: How high is that going to be?

MR. COPPOLA: I think it's 36 inches, we have it.

MR. PETRO: We have municipal highway approval on 1/6/96 and we have fire approval on 1/5/96.

MR. DUBALDI: Since the zoning board already had two public hearings, I make a motion we waive public hearing.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive public hearing for the Rhodes Funeral Home site plan on Walsh Avenue. Any further discussion from the board members? If not,

roll call.

ROLL CALL

MR. STENT	AYE
MR. DUBALDI	AYE
MR. PETRO	AYE

MR. DUBALDI: Mark, is there anything on SEQRA that we should know about?

MR. EDSALL: Well, with you're limited scope of your review, you don't have to consider what the zoning board considered in their deliberations. So with that in mind there doesn't appear to be a tremendous impact because the building is there, they are repaving some areas and in fact improving the front with some landscaping, so I would say that you would be well justified to go with a negative dec.

MR. DUBALDI: Make a motion we declare negative dec.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under the SEQRA process for Rhodes Funeral Home on Walsh Avenue. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. STENT	AYE
MR. DUBALDI	AYE
MR. PETRO	AYE

MR. DUBALDI: Anything from highway?

MR. PETRO: Highway is approved on 1/6/96.

MR. STENT: Are you planning on doing anything with the building itself? I know right now it's a white block building.

MR. RHODES: We're going to make total improvements of

the whole building.

MR. COPPOLA: Here's a quick elevation, we'll put some type of awning or canopy, dress up the top, we're going to rearrange the windows and the doors to accommodate a new floor plan and somehow we're going to have to deal with the existing stucco that is there.

MR. DUBALDI: Can you make this part of the record because I don't have a copy of that?

MR. COPPOLA: We'll get copies in to Myra when we resubmit the plans.

MR. PETRO: I think we have, I don't think there's anything outstanding.

MR. EDSALL: Just one thing I want to talk to Anthony about, I don't think it has to be taken care of now, I did have a suggestion on the guide rail which I think just as a detail for when you go to build it so I'll just convey that information to him.

MR. COPPOLA: Okay.

MR. PETRO: Just touched on a sign one more time, the sign.

MR. COPPOLA: We didn't designate the size but the location is shown next to the existing area here.

MR. PETRO: Just up to your allowable.

MR. RHODES: Whatever's allowable.

MR. PETRO: What is it there?

MR. BABCOCK: 64 square feet.

MR. PETRO: 32 one side.

MR. BABCOCK: That is residential zone so that might be different.

MR. DUBALDI: I think it's smaller cause it's in a

residential zone.

MR. PETRO: Just get it in the minutes.

MR. BABCOCK: We have talked to Mr. Rhodes and we have discussed that and we told him that he should get a variance now and he felt that he was comfortable with that type of sign so--

MR. COPPOLA: Just going to do like a little wood hanging sign?

MR. RHODES: Yes.

MR. PETRO: Blacktopping is existing, is that correct?

MR. COPPOLA: In the rear, it's going to be new. The detail for that I'm going to put a note here that we're going to provide binder over the existing.

MR. PETRO: Mike, you can do that, that is your department and I'm sure whatever.

MR. EDSALL: Just I'm hoping that I found the right section quickly but it appears in residential zoning districts freestanding signs, non-residential other than multi-residence is 20 square foot total so ten square foot each side, 6 foot high and that is it.

MR. PETRO: Okay, can I have a motion?

MR. DUBALDI: I make a motion that we grant final approval to the Rhodes Funeral Home site plan.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Rhodes Funeral Home site plan on Walsh Avenue with the cost estimate and the bond be in place. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. STENT AYE

January 10, 1996

23

MR. DUBALDI
MR. PETRO

AYE
AYE



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
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**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: RHODES FUNERAL HOME SITE PLAN
PROJECT LOCATION: 161 WALSH AVENUE
SECTION 13-BLOCK 5-LOT 29
PROJECT NUMBER: 95-20
DATE: 10 JANUARY 1996
DESCRIPTION: THE APPLICATION INVOLVES THE CHANGE IN USE FOR THE EXISTING BUILDING ON THE NORTH SIDE OF WALSH AVENUE. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 14 JUNE 1995 PLANNING BOARD MEETING AND WAS SUBSEQUENTLY REFERRED TO THE ZONING BOARD OF APPEALS FOR NECESSARY ACTION.

1. The Applicant has indicated that the Zoning Board of Appeals granted a use variance and parking variance during December 1995. The Planning Board should review a copy of this determination and place that decision in file for record.
2. The Applicant's Architect has responded to all my previous technical review comments and has addressed my concerns from the Technical Work Session.

The Board should review this plan and determine if additional information or detail is required to meet their specific requirements.

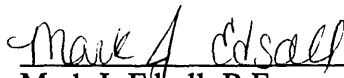
3. The Planning Board may wish to assume the position of **Lead Agency** under the SEQRA process.
4. The Planning Board should determine, for the record, if a **Public Hearing** will be necessary for his **Site Plan**, per its discretionary judgement under Paragraph 48-19.C of the Town Zoning Local Law.

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 2

REVIEW NAME: RHODES FUNERAL HOME SITE PLAN
PROJECT LOCATION: 161 WALSH AVENUE
SECTION 13-BLOCK 5-LOT 29
PROJECT NUMBER: 95-20
DATE: 10 JANUARY 1996

5. The Planning Board may wish to make a **determination** regarding the type action this project should be classified under SEQRA and make a determination regarding environmental significance.
6. At such time that the Planning Board has made further review of this application, **further engineering reviews** and comments will be made, as deemed necessary by the Board.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:RHODES.mk

#1 ZBA 11-13-95
SET UP FOR P/H

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

REVISED 10-11-95

PLANNING BOARD FILE NUMBER: 95-20

DATE: 10-11-95

APPLICANT: LIN WOOD RHODES, JR
37 SOUTH ST
HIGHLAND FALLS N.Y. 10928

2 ZOA 12-11-95
APPROVED

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 1-8-95

FOR (~~SUBDIVISION~~ - SITE PLAN) FOR A FUNERAL HOME

LOCATED AT 161 WALSH ROAD

ZONE R4

DESCRIPTION OF EXISTING SITE: SEC: 13 BLOCK: 5 LOT: 29

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

#1 FUNERAL HOME NOT PERMITTED IN A R4 ZONE

#2 OFF STREET PARKING REQUIRED 30 AVAILABLE

13 VARIANCE REQUEST 17

Michael Babcock
MICHAEL BABCOCK,
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>R4</u> USE <u>NEED USE</u> VARIANCE		
MIN. LOT AREA	_____	_____
MIN. LOT WIDTH	_____	_____
REQ'D FRONT YD	_____	_____
REQ'D SIDE YD.	_____	_____
REQ'D TOTAL SIDE YD.	_____	_____
REQ'D REAR YD.	_____	_____
REQ'D FRONTAGE	_____	_____
MAX. BLDG. HT.	_____	_____
FLOOR AREA RATIO	_____	_____
MIN. LIVABLE AREA	_____	_____
DEV. COVERAGE _____%	_____%	_____%
O/S PARKING SPACES <u>30</u>	<u>13</u>	<u>17</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

To ZBA ON 6-23-95

#1 ZBA 6-26-95
SET UP FOR P/H

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

#2 ZBA 7-10-95
TABLE

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

#3 ZBA 8-14-95
TABLE

PLANNING BOARD FILE NUMBER: 95-20

DATE: 5-23-95

APPLICANT: LINWOOD RHODES, JR

#4 ZBA 9-11-95
DISAPPROVED

37 SOUTH ST

HIGHLAND FALLS N.Y. 10928

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED JAN-8-95

FOR (~~SUBDIVISION~~ - SITE PLAN) FOR A FUNERAL HOME

LOCATED AT 161 WALSH ROAD

ZONE

R4

DESCRIPTION OF EXISTING SITE: SEC: 13 BLOCK: 5 LOT: 29

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

#1 FUNERAL HOME NOT PERMITTED IN A R4 ZONE

#2 OFF STREET PARKING REQUIRED 30 AVAILABLE 13

VARIANCE REQUEST 17

Michael Babcock
MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>R 4</u> USE <u>NEED USE VARIANCE</u>		
MIN. LOT AREA	_____	_____
MIN. LOT WIDTH	_____	_____
REQ'D FRONT YD	_____	_____
REQ'D SIDE YD.	_____	_____
REQ'D TOTAL SIDE YD.	_____	_____
REQ'D REAR YD.	_____	_____
REQ'D FRONTAGE	_____	_____
MAX. BLDG. HT.	_____	_____
FLOOR AREA RATIO	_____	_____
MIN. LIVABLE AREA	_____	_____
DEV. COVERAGE	_____ %	_____ %
O/S PARKING SPACES	<u>30</u>	<u>13</u>
		<u>17</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

6/14/95

RHODES, LINWOOD SITE PLAN (95-20) WALSH ROAD

Mr. Anthony Cappola appeared before the board for this proposal.

MR. PETRO: Did we review this, not under your application, did we review this for a funeral home?

MR. VAN LEEUWEN: This is on the other end of Walsh Avenue.

MR. PETRO: It's on the other end?

MR. VAN LEEUWEN: Yeah, it's right by Quassaick Firehouse.

MR. CAPPOLA: Here's some pictures of the existing building, in case somebody wants to look.

MR. PETRO: What zone is this in here?

MR. CAPPOLA: This is in an R-3 Zone on, I'm sorry, R-4 zone, 161 Walsh Avenue. Basically, we prepared a sketch plan tonight, preliminary introduction to the project, but we realize right off the bat that we're non-conforming in two areas, the use we're proposing a funeral home in an R-4 and the parking requirement, I think the zoning ordinance requires 35 or 30 some odd spaces per parlor and we don't have nearly that each. Basically, just a little orientation of the site here, the west side here is, excuse me, the south side is Walsh Road, it's a pre-existing one story block structure, I think it's about 1,800 and close to 1,900 square feet. Crystal Cleaners I think was the last occupant over there.

MR. VAN LEEUWEN: What he needs is a motion to deny and I'll so move. I'll make a motion to approve it.

MR. DUBALDI: Second it.

MR. PETRO: Motion has been made and seconded that the new Windsor Planning Board give final approval to the Rhodes, Linwood site plan on Walsh Road. Is there any further discussion from the board members? If not,

roll call.

ROLL CALL

MR. VAN LEEUWEN	NO
MR. STENT	NO
MR. DUBALDI	NO
MR. LANDER	NO
MR. PETRO	NO

MR. PETRO: You therefore must receive the necessary variances that you require and once you have those from the New Windsor Zoning Board, you'll appear before this board again.

MR. CAPPOLA: Okay, thank you.

July 6, 1995

New Windsor Town Planning Board
555 Union Avenue
New Windsor, New York 12553

Dear Planning Board:

As per the request of Anthony J. Coppola, I have inspected the property located at 161 Walsh Road, New Windsor, New York. It is known on the Orange County Tax Maps as Section 13, Block 5, Lot 29.

The property had a pre-existing commercial use in the R-4 Zone. It is a 1,800 square foot block building that has a highest and best use as commercial. Unfortunately, none of the permitted uses in the R-4 Zone would seem obtainable. The building is not suited for any of the permitted uses. Therefore; it is my professional opinion that a variance for some type of commercial use should be granted because of this hardship.

Sincerely,

Ray Lease

RAY LEASE - Appraiser

NY. CERTIFIED GEN. R.E. APPRAISER
- Lic. # 1116
#46000001278

RAY J. LEASE
Real Estate Appraiser

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 28th day of November, nineteen hundred and eighty-eight
BETWEEN LOUIS CORDASCO, residing at 567 Crestwood Avenue,
Crestwood, New York 10707, ALEX SANTORO, residing at 51 Brown Road,
Wappingers Falls, New York 12590 and ROBERT KOHL, residing at 2839
Moreland Road, Yorktown Heights, New York 10598, tenants in common

party of the first part, and ALEX SANTORO, residing at 51 Brown Road,
Wappingers Falls, New York 12590, and ROBERT KOHL, residing at
2839 Moreland Road, Yorktown Heights, New York 10598,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of -----

TEN and No/100 (\$10.00)-----dollars,

lawful money of the United States, and other valuable consideration paid

by the party of the second part, does hereby grant and release unto the party of the first part, the heirs or

successors and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,

lying and being in the Town of New Windsor, County of Orange and State of
New York known and designated as Lot No's 81 through 85 and a
portion of Lot No's 86 and 87 and shown on a map entitled, "Map
of Lots Owned by Mr. D. P. Kelly", dated 1881 and filed in the
Orange County Clerk's office on 12 May 1885 and being more
particularly described as follows:

Beginning at a point on the northerly line of Walsh Road,
on the easterly line of lands now or formerly of Charles Babcock
and at the southwesterly corner of Lot No. 84; thence, along the
westerly line of Lot No's 83 and 84 and the easterly line of
lands of said Babcock and lands now or formerly of One Thirty
Seven Walsh Avenue, Inc., N 24° 50' E, passing through an iron
pipe found at 99.16' at the northeasterly corner of lands of said
Babcock, a total distance of 174.0' to a point on the northwesterly
corner of Lot No. 83 and the southerly line of High Street;
thence, along said line of High Street and the northerly line
of Lot No's 81, 82, 83 and a portion of Lot No. 80, S 62° 15' E
75.0' to a point; thence, leaving said High Street and through
Lot No's 80 and 87, S 25° 04' 00" W 131.5' to a point on the
northerly line of said Walsh Road; thence, along said Walsh Road,
N 56° 35' W 75.0' to the point or place of beginning.

TAX MAP
SIGNATURE

RHODES, LINWOOD

MR. NUGENT: Referred by Planning Board - Request for use variancd for funeral home and area variance for 17 off-site parking spaces at 161 Walsh Road in R-4 zone.

Mr. Anthony Cappola and Mr. Linwood Rhodes appeared before the board for this proposal.

MR. NUGENT: Tell us what you want to do.

MR. BABCOCK: This is the old Crystal Home Cleaners building.

MR. CAPPOLA: I've got some pictures in case anybody wants to look at that and I have got a preliminary site plan. Basically, there's a pre-existing site, it's a pre-existing one story block building about 1,800 square feet. This is the footprint of the building. Crystal Cleaners is what was previously there. It's in an R-4 zone, size of the lot is 75 feet wide by 174 feet deep. The rear of the lot goes up pretty steeply down to High Street. What we're proposing is change in use to funeral home inside the existing structure. That use is not currently allowed in this zone and according to the zoning ordinance, it's 30 required parking spaces per funeral parlor, I think that is right.

MR. BABCOCK: That is correct.

MR. CAPPOLA: So we're proposing basically the maximum number of parking spaces that we can provide on this lot which would be 13 so we need 17 off-street required parking spaces to meet the requirement for the variance. The majority of the parking we're proposing is in the rear spaces in the front. We'd also provide a handicapped accessible parking space.

MR. NUGENT: You couldn't add more over in here?

MR. CAPPOLA: Right, you can see this dips off, there's probably about 20 foot of elevation rise again between High Street and the majority of this lot so it really goes up quite steeply. We'd have to fill in some area

in the corner, perhaps this corner too, actually, there's probably not too much more we can provide that way anyway.

MR. KANE: Mr. Chairman, I am not familiar with this building, but this was a prior commercial building?

MR. NUGENT: Yes.

MR. KANE: Why are they here for a use variance, commercial building, was that pre-zoning?

MR. NUGENT: Well, that's questionable, we have had other people apply for this building in 1978.

MS. BARNHART: Date was September 11, 1978.

MR. NUGENT: '78, we had a person apply and we were told at that time that it was in a PI zone. Now, they are saying it's an R-4, was that changed?

MR. BABCOCK: I can tell you that I have checked it like five times because of that statement the maps today clearly indicate that the line adjacent to this the property line is the PI and R-4 line and the maps clearly indicate that it is an R-4 at this point in time. I'm not sure how it got there, when it got there but it is now. To answer Mike's question as far as a commercial use, if you have one commercial use and you change that to another commercial use in a non-conforming zone, you either need a use variance or you need a special permit by the Zoning Board of Appeals.

MR. NUGENT: We don't give those.

MR. BABCOCK: That is correct, that is what the code says and although the Planning Board does the special permits, at this point in time--

MR. LANGANKE: They couldn't give a special permit.

MR. BABCOCK: The code says when it's changed from one non-conforming use to another non-conforming use, it has to be granted a special permit by the ZBA.

MR. CAPPOLA: Isn't the pre-existing use conforming as a service establishment?

MR. BABCOCK: Not in an R-4 zone.

MR. CAPPOLA: It's not?

MR. BABCOCK: No, R-4 is single family residential.

MR. CAPPOLA: I thought service as a service use it was okay, the pre-existing use as service type use but you're saying no.

MR. TORLEY: I have a question for our attorney. Where in the code and I have, I never saw a change in my book, but where in the code book was our discretion about that special permit withdrawn?

MR. BABCOCK: 4833.

MR. TORLEY: Maybe we can do it this way, if it was never withdrawn in that code book, it's not still active.

MR. CAPPOLA: We would be proposing a conforming sign.

MR. TORLEY: Conforming to what?

MS. BARNHART: To the code.

MR. TORLEY: We have to go non-conforming use, it's a question of what use.

MR. CAPPOLA: Which zone are we conforming to and which use are we conforming to?

MS. BARNHART: We should be able to answer that.

MR. REIS: Can I make a comment on behalf of what the fellas are trying to accomplish there? This building has been vacant for quite a while now, it's been a commercial building for as long as I know, I'm aware of, I'd like to see us be able to work out something for these fellas, if it's doable and workable, as long

as we give them direction to do it in for their use in this particular location. It would not be hazardous to the neighbors in any way, just to make it work, how can we can give them direction to do it?

MR. NUGENT: Well, I think at first my own personal opinion the first thing we need to do is determine if it can be changed by special permit and if so, go to the proper board instead of them dumping on us all the time.

MR. BABCOCK: It says 4824 is a non-conforming use. If you have commercial establishment in a residential zone, it's non-conforming. And the code says to change from one non-conforming use to another non-conforming use it needs special permit permission from the ZBA.

MR. NUGENT: We don't give special permits.

MR. BABCOCK: Well, that is what the code says.

MR. KREIGER: The problem with the--

MR. NUGENT: Town Board took that away.

MR. KRIEGER: Again, special permit, they didn't make the code consistent, the general special permit provision they took that, gave it to the Planning Board but they didn't change this, so this still says Zoning Board of Appeals.

MR. KANE: Which could be why they kicked it down to us.

MR. BABCOCK: Well, it's clearly now that 1978 this supposedly was a PI zone it's no longer a non-conforming use, that is the problem. If it was a PI zone in 1978 as commercial establishment, it was a conforming use so it wouldn't come under the 1966 grandfather clause, non-conforming pre-existing to the zoning, but if the, because the zoning changed after it was there.

MR. NUGENT: It never changed its use.

MR. BABCOCK: Zoning has changed.

MR. NUGENT: But the building didn't.

MR. BABCOCK: That is correct.

MR. KRIEGER: What he is saying it's not now a pre-existing non-conforming use because it was never non-conforming in its prior use it was conforming.

MR. BABCOCK: Right.

MR. KRIEGER: Well, that was in 1978, was it used in a non-conforming manner after, this is an open question, I'm sure the question that you don't know the answer for if it was used in commercial capacity after the zone was changed to R-4, it would then become a pre-existing, non-conforming use, may not have happened in '78, maybe in '79 or '80 or some subsequent year.

MR. TORLEY: Do we know whether the line was moved or somebody just merely misread it in '77?

MR. BABCOCK: That is correct, that is the problem also.

MR. NUGENT: It was definitely non-conforming use after that, after '78 that guy only moved out of there.

MR. LINWOOD: Couple years ago.

MR. BABCOCK: Well, non-conforming use, Jim, is a use that is in a zone that is not allowed that was there before the zone was established so if it was a PI zone which we don't know and I'm, it's going to take some research to find that out, it wouldn't be non-conforming.

MR. NUGENT: I have a problem with the whole thing simply because two doors away is a firehouse commercial, two doors to the other side of it is Hobart or was Hobart, I'm not sure, across the street is a flower shop and down the street is a pocketbook or was pocketbook shop, I'm not sure what it is now but the whole area there commercial.

MR. BABCOCK: I agree with you, I don't know what to do with it.

MR. TORLEY: And that actually makes it more difficult for us if it is because then it loses its unique criteria.

MR. KRIEGER: If everything else is commercial, save this one parcel, that makes this parcel unique.

MR. TORLEY: Okay.

MR. KRIEGER: Looking from the other end of the tube.

MR. NUGENT: But right next door to it is a single-family house.

MR. KRIEGER: Rumsey's place.

MR. NUGENT: No, that is multi-family house, that is another problem. Babcock is single.

MR. RHODES: And Mr. Russell is on the other side.

MR. RHODES: Talked to both of them and they are a hundred percent for this.

MR. TORLEY: We'd all like to see some use for the structure.

MR. KANE: I still don't understand where we can't do the special permit looking through this and it says that we still have the ability and we also have the ability for a special permit to be periodically renewed.

MR. TORLEY: Different special permit.

MR. KANE: It's for use.

MR. BABCOCK: Back when that code was written, Mike, the ZBA issued special permits so it would make sense when that was, when the town board took away the special permit from the ZBA and give that authorization

to the Planning Board, that makes that law it doesn't make it very consistent. It's inconsistent.

MR. KRIEGER: They changed the special permit law, they didn't go through and change the other laws that were dependent on it, like this one.

MR. TORLEY: So what does that mean?

MR. KANE: Means we're left holding the bag, is what it means.

MR. TORLEY: That means we can't--

MR. KRIEGER: Well, you don't even reach that question yet because you don't know whether it's a, whether it meets the criteria for a special permit, much less who is going to grant the special permit. You haven't even gotten to that question yet. If it was at some point a non-conforming use, then you do reach the question of whether the board can grant it or not. But first you have to establish that at some point it was a non-conforming use.

MR. BABCOCK: But still Andy, if you have an office, a lawyer's office that is a non-conforming use and now you want to change that lawyer's office to a funeral home, which is, it's definitely a change of use of that property, an office to a funeral home is two different use groups.

MR. KRIEGER: There's no question that that proposal is to propose a change of use and that it would be a change of a non-conforming use.

MR. BABCOCK: Right.

MR. KRIEGER: Giving rise to the question of who can grant, which board can grant the special permit in that record. What I am saying is in order to give rise to that question it first must be established that at some point it was a non-conforming use and that appears to be somewhat now somewhat in question.

MR. CAPPOLA: If the last existing use was Crystal

Cleaners was being used recently then it's a non-conforming use, correct?

MR. KRIEGER: Do you know when Crystal Cleaners last used it?

MR. CAPPOLA: We think it's been three or four years.

MR. RHODES: 1992.

MR. TORLEY: Does that wipe it out by the lapse of time?

MR. BABCOCK: It says if it's been discontinued for a period of two years, cannot be re-established.

MR. TORLEY: It's moot anyway.

MR. KRIEGER: So, it if it hasn't been--

MR. TORLEY: Which is actually sort of a relief.

MR. BABCOCK: The reason I wrote it up as a use variance is cause I didn't know any other classification to put it in.

MR. KRIEGER: Makes the whole special permit moot.

MR. NUGENT: The only way I see to do this is to to get it clean is to go for a use variance.

MR. BABCOCK: Right, that is what I wrote it up for because I didn't know of anything else.

MR. TORLEY: The other thing the applicant might want to do in parallel is to request the town board for a change on the zoning map because clearly what's on the ground there does not match what the zoning code says.

MR. BABCOCK: Single-family house on either side of it.

MR. TORLEY: But everything else you say.

MR. BABCOCK: I know. Where do you put the line, that is the problem.

MR. NUGENT: That whole area there is so mixed, it's incredible.

MR. BABCOCK: Quite honestly, the single-family house that is owned by Babcock here.

MR. RHODES: Babcock owns the house to the west end of the building.

MR. BABCOCK: That is in a PI zone.

MR. RHODES: Yes, that is exactly what he said, that one house single-family house that is where the line is.

MR. TORLEY: The two approaches are not exclusive, you can pursue this while you talk to the town board about changing the map.

MR. KANE: But the use variance itself we're required by state law to meet certain criteria, we can't change that and we can't have any leeway either way and one of the hardest things is financial, the financial.

MR. TORLEY: He may have a shot.

MR. KANE: It can't be used.

MR. TORLEY: Who would buy that as a residential facility?

MR. KRIEGER: Well, financial hardship has to be proven in dollars and cents proof, you can't come in and say gee whiz, nobody would do it.

MR. KANE: Because our feelings say we agree, nobody would buy that for a house. You have to show that on paper and you'd also have to show that you can't use it for any other uses that are on the bulk table.

MR. RHODES: The present owner is having problems trying to sell the building. If I can't use this building for funeral home, I want my money back, that is my agreement.

MR. KANE: For us to make a decision we're required by law to have that stuff on paper and proven to us on paper. I'm not saying I don't side with you, I'm saying that our hands are very well tied with use variances.

MR. TORLEY: Legislature has made in their wisdom use variances next to impossible to grant.

MR. CAPPOLA: Right, that is the state.

MR. TORLEY: This one has a shot, I think, because of the neighborhood and you may be able to make the claim.

MR. KRIEGER: What you have to do in order to prove a use variance here among other things and I have a list of criteria here but the first one is to prove that the property cannot realize a reasonable return for any of the use specified for that zone. Now what that means is, I'm sorry, what you have to do is prove that by dollars and cents proof. In other words, you have to have somebody come in and testify that this is what its value for this use is and go right on down the list and for this use and for this use and present evidence to the board that it lacks, if used for any of those uses, it will not produce a reasonable return. It has to be dollars and cents proof. It can't be gee whiz, everybody knows.

MR. CAPPOLA: Right.

MR. LANGANKE: What zone did we decide this was?

MR. KRIEGER: R-4.

MR. KANE: We didn't.

MR. LANGANKE: How many uses are permitted in R-4?

MR. NUGENT: Single family.

MR. LANGANKE: So he doesn't have a whole list to go down. He's got a single family house.

MR. KANE: You can see the general feeling here is that we'd really like to work it out but we need to find a way to do it.

MS. BARHNART: Who is the owner?

MR. CAPPOLA: Alex Santori.

MR. BABCOCK: It's agricultural or single family too.

MR. TORLEY: No farms are going to go there.

MR. LANGANKE: That shouldn't be that difficult, this big building.

MR. CAPPOLA: No.

MR. KRIEGER: Just so you know, there are ten listed used permitted by right, there are ten items on here.

MR. LANGANKE: What are they?

MR. NUGENT: Is one a funeral home?

MR. KANE: No.

MR. KRIEGER: Commercial agricultural, town buildings, public parks, commercial forestry, outdoor recreational facilities, places of worship, public elementary and high schools, one family detached dwellings, that takes up three of them actually.

MR. RHODES: You mean to tell me you can put a church there?

MR. CAPPOLA: Who would this board consider an authority at assessing that list through a market value, that is what you're asking to us do, in other words, we can go down and say this as a single family dwelling, what's the value of this.

MR. BABCOCK: You need a licensed appraiser to do that.

MR. KRIEGER: Basically, that is the expert that the board would consider.

MR. LANGANKE: We're familiar with the area.

MR. KRIEGER: I wouldn't rule out any others but certainly that would be first on the list.

MR. CAPPOLA: What about a real estate broker?

MR. KRIEGER: Possibly, if he or she can show by dollars and cents proof what the value of its use would be.

MR. CAPPOLA: Okay.

MR. TORLEY: An appraiser might be better. I urge you to carry on a parallel to the town board, you have a very good case, clearly there's something screwy with the map of this area, doesn't fit what's there.

MR. KRIEGER: One of few one-family houses is already in an industrial zone.

MR. BABCOCK: If you look, I don't have my table, I don't think the funeral parlor is allowed in the PI zone, so to move the zoning it wouldn't, it would be a PI zone, still be a use variance.

MR. LANGANKE: And would probably be tougher.

MR. BABCOCK: One down on Walsh, the American Felt and Filter office building that needed one so I'm pretty sure, it's not listed.

MR. NUGENT: And that is a big piece of property.

MR. REIS: You have got a vote of confidence from the board but you have got an uphill battle to accomplish your needs.

MR. CAPPOLA: I understand but I think we can provide the information that you are asking for. I think it's doable given the list and given the re-sale of the building.

MR. NUGENT: Do you want to go on or come back?

MR. CAPPOLA: No, I think we want to go on.

MR. KRIEGER: So that you know the use variance application you're also going to have to comply with the SEQRA requirements.

MR. LANGANKE: Short form environmental assessment.

MR. CAPPOLA: We have already submitted one EAF to the Planning Board.

MR. KRIEGER: That is the Planning Board. You have to resubmit it here. It may be the same one but there's no interoffice transfer within town hall.

MR. RHODES: All the immediate neighbors are waiting for the date, they'll come in, they are willing to come in.

MR. NUGENT: Are there any further questions by the board?

MR. TORLEY: I move that we set up Mr. Rhodes for his requested use variance for 161 Walsh Road.

MR. KANE: Second it.

MS. BARHNART: Parking also, there's area variance involved here.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE
MR. REIS	AYE

MR. KRIEGER: There are separate criteria, one for the use, one for the area. If you'd address yourself to those when you make your presentation at the public hearing, it would be helpful. Also, if I could see a copy of the existing deed and title policy of the premises, that would be helpful. Again, I don't need

June 26, 1995

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to keep it since I understand you don't, your client is the contract vendee, the copies would be sufficient, provided they are accurate.

MR. CAPPOLA: Okay, we can get a copy of the deed.

MR. NUGENT: Okay, good night.

RESULTS OF P.B. MEETING

DATE: June 14, 1995

PROJECT NAME: Rhodes S.P. PROJECT NUMBER 95-20

LEAD AGENCY:

* NEGATIVE DEC:

M) S) VOTE: A N

* M) S) VOTE: A N

CARRIED: YES NO

* CARRIED: YES: NO

PUBLIC HEARING: M) S) VOTE: A N

WAIVED: YES NO

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.B.A.: M) V S) D VOTE: A 0 N 5 YES ✓ NO

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) S) VOTE: A N APPROVED:

M) S) VOTE: A N APPR. CONDITIONALLY:

NEED NEW PLANS: YES NO

DISCUSSION/APPROVAL CONDITIONS:

RHODES, LINWOOD SITE PLAN (95-20) WALSH ROAD

Mr. Anthony Cappola appeared before the board for this proposal.

MR. PETRO: Did we review this, not under your application, did we review this for a funeral home?

MR. VAN LEEUWEN: This is on the other end of Walsh Avenue.

MR. PETRO: It's on the other end?

MR. VAN LEEUWEN: Yeah, it's right by Quassaick Firehouse.

MR. CAPPOLA: Here's some pictures of the existing building, in case somebody wants to look.

MR. PETRO: What zone is this in here?

MR. CAPPOLA: This is in an R-3 Zone on, I'm sorry, R-4 zone, 161 Walsh Avenue. Basically, we prepared a sketch plan tonight, preliminary introduction to the project, but we realize right off the bat that we're non-conforming in two areas, the use we're proposing a funeral home in an R-4 and the parking requirement, I think the zoning ordinance requires 35 or 30 some odd spaces per parlor and we don't have nearly that each. Basically, just a little orientation of the site here, the west side here is, excuse me, the south side is Walsh Road, it's a pre-existing one story block structure, I think it's about 1,800 and close to 1,900 square feet. Crystal Cleaners I think was the last occupant over there.

MR. VAN LEEUWEN: What he needs is a motion to deny and I'll so move. I'll make a motion to approve it.

MR. DUBALDI: Second it.

MR. PETRO: Motion has been made and seconded that the new Windsor Planning Board give final approval to the Rhodes, Linwood site plan on Walsh Road. Is there any further discussion from the board members? If not,

roll call.

ROLL CALL

MR. VAN LEEUWEN	NO
MR. STENT	NO
MR. DUBALDI	NO
MR. LANDER	NO
MR. PETRO	NO

MR. PETRO: You therefore must receive the necessary variances that you require and once you have those from the New Windsor Zoning Board, you'll appear before this board again.

MR. CAPPOLA: Okay, thank you.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: RHODES FUNERAL HOME SITE PLAN
PROJECT LOCATION: 161 WALSH AVENUE
SECTION 13-BLOCK 5-LOT 29
PROJECT NUMBER: 95-20
DATE: 14 JUNE 1995
DESCRIPTION: THE APPLICATION INVOLVES THE CHANGE IN USE FOR
THE EXISTING BUILDING ON THE NORTH SIDE OF WALSH
AVENUE. A FUNERAL HOME IS PROPOSED. THE PLAN
WAS REVIEWED ON A CONCEPT BASIS ONLY.

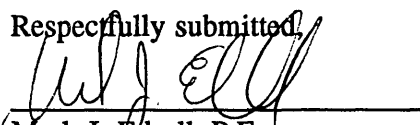
1. The property is located within the R-4 Zoning District, which does not permit funeral home establishments as a Use Permitted By Right or by Special Permit. As such, a Use Variance is required.
2. In addition to the required Use Variance, it appears that the project would require a variance with regard to off-street parking. Undertaking establishments and funeral houses require thirty (30) spaces per parlor or chapel, and, therefore, it is my understanding that this project would, therefore, require thirty (30) spaces. The plan appears to provide a total of fourteen (14) parking spaces; as such, a variance for insufficient off-street parking seems necessary.
3. I recommend that the Planning Board review this application on a concept basis, making any comments or recommendations to the Application. It is my understanding that the Applicant will then proceed to the Zoning Board of Appeals to seek the required variances.

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 2**

REVIEW NAME: RHODES FUNERAL HOME SITE PLAN
PROJECT LOCATION: 161 WALSH AVENUE
SECTION 13-BLOCK 5-LOT 29
PROJECT NUMBER: 95-20
DATE: 14 JUNE 1995

4. Should the Applicant be successful at the ZBA, the re-submitted plan to the Planning Board should include revisions, so as to make the plan complete for the required detailed site plan review. Some initial comments are as follows:
 - a. The location plan should be corrected, in as much as the indicated project site is shown in the wrong location.
 - b. Details should be provided for site improvements including (but not limited to) pavement, curbing, retaining walls, etc.
 - c. The plan should include any site landscaping or similar improvements.
 - d. A lighting plan should be submitted.
5. The project sign should be located and detailed as appropriate.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:RHODES.mk

P.B. #15-10, L. 1003

542-1003
LINWOOD RHODES, JR.
37 SOUTH ST.
HIGHLAND FALLS, NY 10928

50-235615
219

452

JUNE 8, 1975

PAY TO THE
ORDER OF

TN of New Windsor Planning Board \$ 750.00
Seven Hundred & Fifty ⁰⁰/₁₀₀ DOLLARS

THE BANK OF NEW YORK

202 MAIN ST., HIGHLAND FALLS, N.Y. 10928

MEMO

161 Walsh Ave
Estimote

Linwood Rhodes Jr. MP

⑆021902352⑆ ⑈6800543892⑈ 0452

BNY STYLE 60

NEW YORK'S FIRST BANK FOUNDED 1791



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 95 - 20

DATE PLAN RECEIVED: RECEIVED JAN 4 1996

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

_____ for the building or subdivision of
Funeral Home Conversion - 161 Walse Rd. has been

reviewed by me and is approved ✓

~~disapproved~~ _____.

~~If disapproved, please list reason~~ _____

This property is being serviced by
town water.

HIGHWAY SUPERINTENDENT DATE

Steve D. DeCamo 1-5-96
WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 95 - 20

DATE PLAN RECEIVED: RECEIVED JAN 4 1996

The maps and plans for the Site Approval ✓
Subdivision _____ as submitted by
_____ for the building or subdivision of
_____ has been
reviewed by me and is approved ✓,
disapproved _____.

If disapproved, please list reason _____

W. James Cullen 1/6/96
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE

INTER-OFFICE CORRESPONDENCE

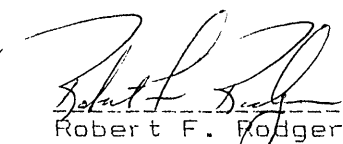
TO: Town Planning Board
FROM: Town Fire Inspector
DATE: 05 January 1996
SUBJECT: 161 Walsh Ave. Site Plan

Planning Board Reference Number: PB-95-20
Dated: 4 January 1996
Fire Prevention Reference Number: FPS-96-005

A review of the above referenced subject site plan was conducted on 5 January 1996.

This site is acceptable.

Plan Dated: 2 January 1996 Revision 1



Robert F. Rodgers, C.C.A.
Fire Inspector

RFR/dh



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

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Millford, Pennsylvania 18337
(717) 296-2765

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN/VILLAGE OF New Windsor P/B # 95-20

WORK SESSION DATE: 3 JAN 96 APPLICANT RESUB.
REQUIRED:

REAPPEARANCE AT W/S REQUESTED: _____

PROJECT NAME: Rhodes Funeral Home

PROJECT STATUS: NEW _____ OLD X

REPRESENTATIVE PRESENT: Anthony Capolla

MUNIC REPS PRESENT: BLDG INSP. Snow plowing
FIRE INSP. X
ENGINEER X
PLANNER _____
P/B CHMN. _____
OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- He got his variances - same plan as sent by P/B
- all front curbed (add @ front of front (paved))
- add guide rail @ rear for cars
- exterior lighting - 1 light pole + 6' 1" H
- exist pvt 1" new 2+1
- 10x20 pks
- cost estimate

4MJE91 pbwsform

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM



1763

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 95 - 20

DATE PLAN RECEIVED: RECEIVED JUN - 8 1995

The maps and plans for the Site Approval Linwood Rhodes
Subdivision _____ as submitted by
_____ for the building or subdivision of
_____ has been
reviewed by me and is approved _____
disapproved ☒ _____

If disapproved, please list reason

not enough parking
space for a business. Could be bad in winter if
Cars park on roadway.

7/18/95
HIGHWAY SUPERINTENDENT

DATE

WATER SUPERINTENDENT

DATE

SANITARY SUPERINTENDENT

DATE

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

1763

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 95 - 20
RECEIVED JUN - 8 1995
DATE PLAN RECEIVED: _____

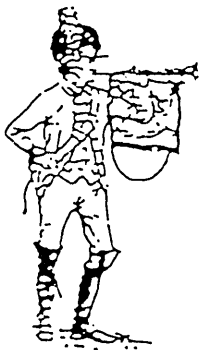
The maps and plans for the Site Approval Linwood Rhodes
Subdivision _____ as submitted by
_____ for the building or subdivision of
_____ has been
reviewed by me and is approved _____
disapproved ☒ _____

If disapproved, please list reason not enough parking
space for a business. Could be bad in winter if
Cars park on roadway.

Fred Smyth 7/18/95
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 95 - 20

DATE PLAN RECEIVED: RECEIVED JUN - 8 1995

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by _____

_____ for the building or subdivision of
161 Walsh rd - funeral home conversion has been

reviewed by me and is approved ☒ _____

~~disapproved~~ _____

~~If disapproved, please list reason~~ _____

Notify water dept. for any water line
change.

HIGHWAY SUPERINTENDENT _____ DATE _____

Steve D. D. D. CAMO 6-12-95
WATER SUPERINTENDENT _____ DATE _____

SANITARY SUPERINTENDENT _____ DATE _____

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 12 June 1995

SUBJECT: Funeral Home Conversion
161 Walsh Avenue
New Windsor, New York 12553

Planning Board Reference Number: PB-95-20
Dated: 8 June 1995
Fire Prevention Reference Number: FPS-95-034

A review of the above referenced subject site plan was conducted on 8 June 1995.

This site plan is acceptable.

Plans dated: 4 June 1995


Robert F. Rodgers, C.C.A.
Fire Inspector

RFR/mvz



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

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New Windsor, New York 12553
(914) 562-8640
- ☐ Branch Office
400 Broad Street
Millford, Pennsylvania 18337
(717) 296-2765

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

1-3

TOWN/VILLAGE OF New Windsor P/B # 95 - 20
WORK SESSION DATE: 7 June 1995 APPLICANT RESUB.
REQUIRED: Full App
REAPPEARANCE AT W/S REQUESTED: No
PROJECT NAME: Rhodes Funeral Home
PROJECT STATUS: NEW X OLD _____
REPRESENTATIVE PRESENT: Anthony Capella / Linwood Rhodes
MUNIC REPS PRESENT: BLDG INSP. is Bldg.
FIRE INSP. X
ENGINEER X
PLANNER _____
P/B CHMN. _____
OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- [Funeral Home is R-4 161 Walnut St. Ave
Pls.
- Rear access for 9 ft 0 space next door
next and agenda for
referral to ZBA

4MJE91 pbwsform



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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Milford, Pennsylvania 18337
(717) 296-2765

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B # 95 - 20
WORK SESSION DATE: 3 MAY '95 APPLICANT RESUB.
REQUIRED: _____
REAPPEARANCE AT W/S REQUESTED: Yes
PROJECT NAME: Rhodes S/P
PROJECT STATUS: NEW _____ OLD _____
REPRESENTATIVE PRESENT: Anthony Capella / Linwood Rhodes
MUNIC REPS PRESENT: BLDG INSP. _____
FIRE INSP. _____
ENGINEER X
PLANNER _____
P/B CHMN. _____
OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- R-4 161 Walnut
- Crystal Home Clearing -
Probably need variance
- Parking 30/chapel - (they can probably only fit 10)
Parking variance of this extent may be difficult
- Possibly different than funeral home
they do all work @ church

4MJ91 pbwsform



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

APPLICATION TO:
TOWN OF NEW WINDSOR PLANNING BOARD

95-20

TYPE OF APPLICATION (check appropriate item):

Subdivision ___ Lot Line chg. ___ Site Plan X Spec. Permit ___

1. Name of Project Funeral Home Conversion at 161 Walsh Rd.

2. Name of Applicant Linwood Rhodes Phone 542-1003

Address 37 South St., Highland Falls, N.Y. 10928.
(Street No. & Name) (Post Office) (State) (zip)

3. Owner of Record Alex Santoro and Robert Kohl Phone _____

Address 161 Walsh Rd. New Windsor, N.Y.
(Street No. & Name) (Post Office) (State) (zip)

4. Person Preparing Plan Anthony J. Coppola, Architect Phone 914-561-3559

Address 175 Liberty St., Newburgh, N.Y. 12550
(Street No. & Name) (Post Office) (State) (zip)

5. Attorney RICHARD SCHISANO Phone 562-9200

Address _____
(Street No. & Name) (Post Office) (State) (zip)

6. Person to be notified to represent applicant at Planning
Board Meeting Anthony J. Coppola Phone _____
(Name)

7. Project Location: On the East side of Walsh Rd.
(street)
_____ feet North of Route 9W
(direction) (street)

8. Project Data: Acreage of Parcel 13,350 SF. Zone R4
School Dist. _____

9. Is this property within an Agricultural District containing
a farm operation or within 500 feet of a farm operation
located in an Agricultural District? Y _____ N X

If you answer "yes" to question 9, please complete the attached Agricultural Data statement.

10. Tax Map Designation Section 13 Block 5 Lot 29

11. General Description of Project:

12. Has the Zoning Board of Appeals granted any variances for this Property? yes X no.

13. Has a Special Permit previously been granted for this Property? yes X no.

ACKNOWLEDGMENT;

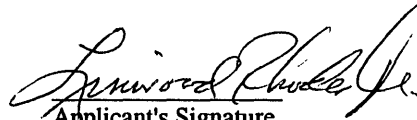
If this acknowledgment is completed by anyone other than the property owner, a Separate notarized statement from the owner must be submitted, authorizing this application.

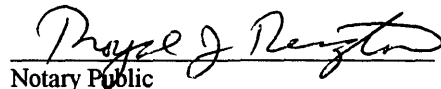
STATE OF NEW YORK)
SS:
COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application and supporting documents and drawings are true and accurate to the best of his/her knowledge and/or belief. The applicant further acknowledges responsibility to the Town for all fees and costs associated with the review of this application.

Sworn before me this

8th day of June 1995


Applicant's Signature


Notary Public

ROYAL J. REMINGTON
Notary Public, State of New York
Qualified in Ulster County
4939320 1996
Commission Expires July 25, _____

TOWN USE ONLY:

RECEIVED JUN - 8 1995
Date Application Received

95 - 20
Application Number

APPLICANT'S PROXY STATEMENT
(for professional representation)

for submittal to the

TOWN OF NEW WINDSOR PLANNING BOARD

Linwood Rhodes, Jr. _____ deposes and says that he
(Applicant) _____
resides at _____ 37 South St., Highland Falls, N.Y. 10928. _____
(Applicant's Address)

in the County of _____ Orange _____

and State of _____ New York _____

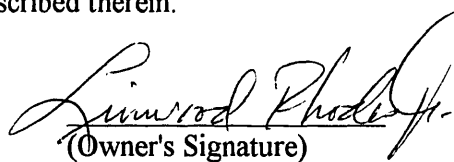
and that he is the applicant for the _____
Funeral Home Conversion at 161 Walsh Rd _____
(Project Name and Description)

which is the premises described in the foregoing application and

that he has authorized _____ Anthony J. Coppola, Architect _____
(Professional Representative)

to make the foregoing application as described therein.

Date: June 8, 1995


(Owner's Signature)


(Witness' Signature)

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE
OF
THE COMPANY WHO is BEING AUTHORIZED TO REPRESENT THE
APPLICANT
AND/OR OWNER AT THE MEETINGS.

APPLICANT'S PROXY STATEMENT
(for professional representation)

for rittal to the

TOWN OF NEW WINDSOR PLANNING BOARD

Alex Santoro , deposes and says that he
 (Applicant)
resides at 24 FAIRVIEW AVE, TUCKAHOE
 (Applicant's Address)
in the County of WESTCHESTER
and State of NEW YORK 10707
and that he is the applicant for the
FUNERAL HOME CONVERSION AT 161 WINDSOR RD.
 (Project Name and Description)
which is the premises described in the foregoing application and
that he has authorized LINWOOD RHODES
 (Professional Representative)
to make the foregoing application as described therein.

Date: 6/9/1995

Alex Santoro
 (Owner's Signature)

Sunny Delmonico
 (Witness' Signature)

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT
AND/OR OWNER AT THE MEETINGS.

ACC1624

"XX"

ATTACHMENTS

- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance ☒

PLEASE NOTE: IF PROPERTY IS NOT IN A FLOOD ZONE, PLEASE INDICATE THAT ON THIS FORM AND SIGN YOUR NAME. RETURN FORM WITH PLANNING BOARD APPLICATION.

IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE COMPLETE THE ATTACHED (LEGAL SIZE) PAPERS AND RETURN WITH PLANNING BOARD APPLICATION.

THIS PROPERTY IS NOT LOCATED IN A
FLOOD PLAIN. ANTHONY J. COPPOLA, ARCHITECT



95 - 20

10. Tax Map Designation: Section 13 Block 5 Lot 29
11. General Description of Project: CHANGE OF USE
FROM COMMERCIAL WAREHOUSE TO FUNERAL
HOME
12. Has the Zoning Board of Appeals granted any variances for this property? yes ☒ no.
13. Has a Special Permit previously been granted for this property? yes ☒ no.

ACKNOWLEDGEMENT:

If this acknowledgement is completed by anyone other than the property owner, a separate notarized statement from the owner must be submitted, authorizing this application.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application and supporting documents and drawings are true and accurate to the best of his/her knowledge and/or belief. The applicant further acknowledges responsibility to the Town for all fees and costs associated with the review of this application.

Sworn before me this

2 day of May 1995

Alex Santoro
 Applicant's Signature

John Lease III
 Notary Public

JOHN LEASE III
 Notary Public, State of New York
 Qualified in Orange County
 No. 4893815
 Commission Expires May 26, 1997

TOWN USE ONLY:

Date Application Received

Application Number

TOWN OF NEW WINDSOR PLANNING BOARD
SITE PLAN CHECKLIST

ITEM

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Site Plan Title | 29. <input type="checkbox"/> Curbing Locations |
| 2. <input checked="" type="checkbox"/> Applicant's Name(s) | 30. <input type="checkbox"/> Curbing Through Section |
| 3. <input checked="" type="checkbox"/> Applicant's Address(es) | 31. <input type="checkbox"/> Catch Basin Locations |
| 4. <input checked="" type="checkbox"/> Site Plan Preparer's Name | 32. <input type="checkbox"/> Catch Basin Through Section |
| 5. <input checked="" type="checkbox"/> Site Plan Preparer's Address | 33. <input type="checkbox"/> Storm Drainage |
| 6. <input checked="" type="checkbox"/> Drawing Date | 34. <input type="checkbox"/> Refuse Storage |
| 7. <input checked="" type="checkbox"/> Revision Dates | 35. <input type="checkbox"/> Other Outdoor Storage |
| 8. <input checked="" type="checkbox"/> Area Map Inset | 36. <input type="checkbox"/> Water Supply |
| 9. <input checked="" type="checkbox"/> Site Designation | 37. <input type="checkbox"/> Sanitary Disposal System |
| 10. <input checked="" type="checkbox"/> Properties Within 500' of Site | 38. <input type="checkbox"/> Fire Hydrants |
| 11. <input checked="" type="checkbox"/> Property Owners (Item 410) | 39. <input type="checkbox"/> Building Locations |
| 12. <input checked="" type="checkbox"/> Plot Plan | 40. <input type="checkbox"/> Building Setbacks |
| 13. <input checked="" type="checkbox"/> scale (1" = 50' or lesser) | 41. <input type="checkbox"/> Front Building Elevations |
| 14. <input checked="" type="checkbox"/> Metes and Bounds | 42. <input type="checkbox"/> Divisions of Occupancy |
| 15. <input checked="" type="checkbox"/> Zoning Designation | 43. <input type="checkbox"/> Sign Details |
| 16. <input checked="" type="checkbox"/> North Arrow | 44. <input type="checkbox"/> Bulk Table Inset |
| 17. <input checked="" type="checkbox"/> Abutting Property Owners | 45. <input type="checkbox"/> Property Area (Nearest
100 sq. ft.) |
| 18. <input checked="" type="checkbox"/> Existing Building Locations | 46. <input type="checkbox"/> Building Coverage (sq. ft.) |
| 19. <input checked="" type="checkbox"/> Existing Paved Areas | 47. <input type="checkbox"/> Building Coverage (50 ft
Total Area) |
| 20. <input type="checkbox"/> Existing Vegetation | 48. <input type="checkbox"/> Pavement Coverage (sq. ft.) |
| 21. <input checked="" type="checkbox"/> Existing Access & Egress | 49. <input type="checkbox"/> Pavement Coverage (% of
Total Area) |
| PROPOSED Improvements | |
| 22. <input type="checkbox"/> Landscaping | 50. <input type="checkbox"/> Open Space (sq. ft.) |
| 23. <input type="checkbox"/> Exterior Lighting | 51. <input type="checkbox"/> Open Space (5 of Total area) |
| 24. <input type="checkbox"/> Screening | 52. <input type="checkbox"/> No. of Parking Spaces |
| 25. <input checked="" type="checkbox"/> Access & Egress | 53. <input type="checkbox"/> No. of Parking Spaces |
| 26. <input checked="" type="checkbox"/> Parking Areas | |
| 27. <input checked="" type="checkbox"/> Loading Areas | |
| 28. <input type="checkbox"/> Paving Details
(Items 25-27) | |

This is a preliminary sketch plan without any site plan details. We are asking for referral to the ZBA and a variance. We will provide all site plan details after the variance is successful.

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, "IS THIS PROPERTY" WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION Located IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

54. _____ Referral to orange County Planning Dept. required for all applicants filing AD Statement.
55. _____ A Disclosure Statement, in the form set below must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

"Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This not ice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district Or within 500 feet of such a district and that farming activities occur within the district. such farming activities may include, but not be limited to, activities that cause noise, dust and odors."

This list is provided as a guide only and is for the convenience of the applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER' S ACKNOWLEDGMENT:

The site Plan has been prepared in accordance with the checklist and the Town of New Windsor Ordinances, to the best of my knowledge

By: _____

 Licensed Professional

Date: 6/7/95

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR LINWOOD RHODES	2. PROJECT NAME FUNERAL HOME AT 161 WALSH RD.
3. PROJECT LOCATION: Municipality ORANGE COUNTY , TOWN OF NEW WINDSOR County	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 161 WALSH RD.	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: FUNERAL HOME CONVERSION OF EXISTING BUILDING.	
7. AMOUNT OF LAND AFFECTED: Initially 13,350 SF acres Ultimately 13,350 SF acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly USE AND PARKING VARIANCE REQUIRED	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Linwood Rhodes</u> Date: <u>6/8/95</u> Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 8 NYCRR, PART 817.12? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 8 NYCRR, PART 817.87 If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☒ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
 No

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☒ No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

 Name of Lead Agency

 Print or Type Name of Responsible Officer in Lead Agency

 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (if different from responsible officer)

 Date

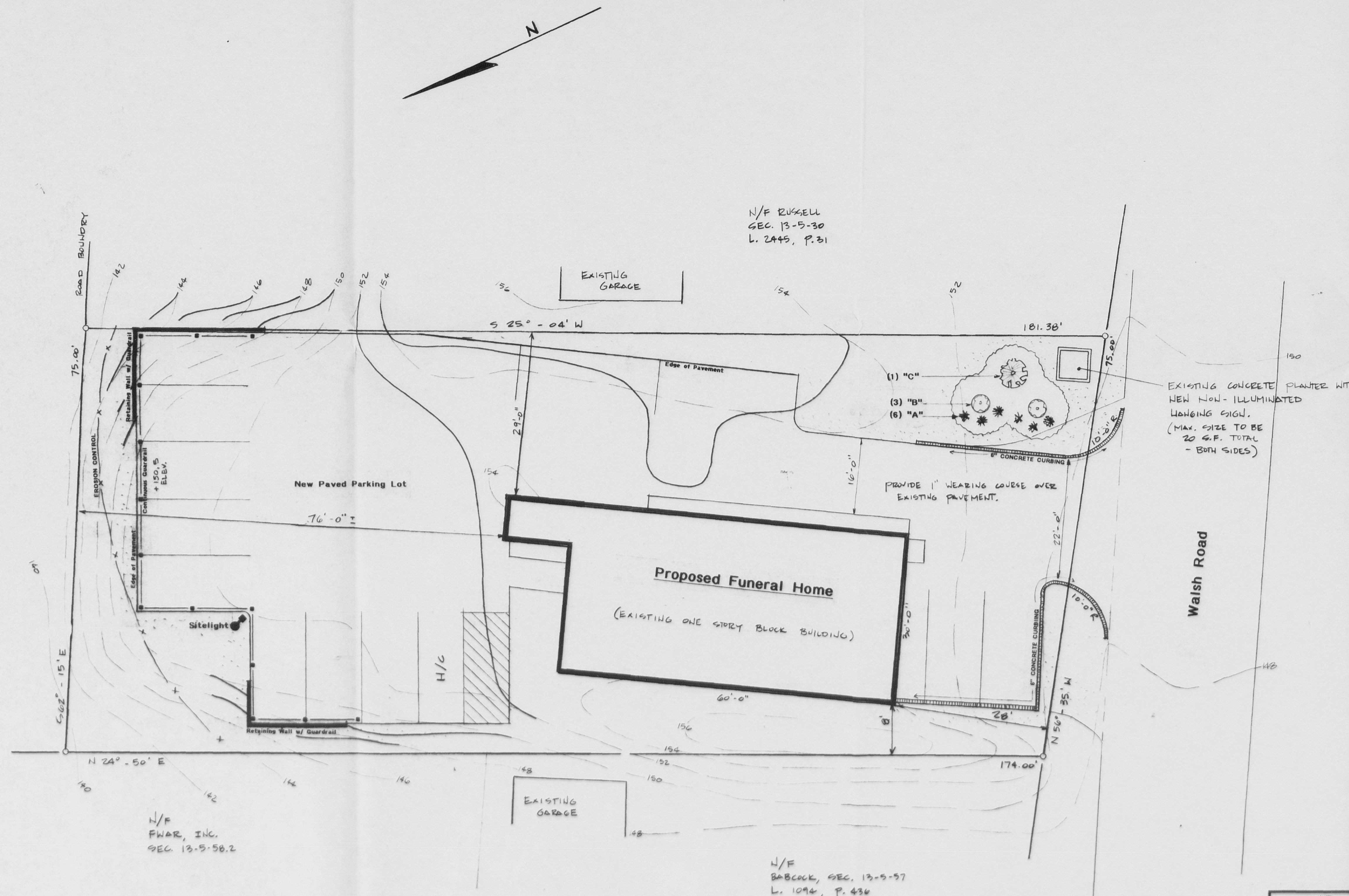
Landscaping Schedule:			
Num	Name	Size	Quantity
A	Juniperus Sabina (Tamarix Juniper)	1 gal container 10" - 12" high	6
B	Euonymus Compacta (Dwarf Euonymus)	15" - 18" per container	2
C	C. Koussa Chinensis (Chinese Dogwood)	4 to 5 ft. tall, 15" min. ball diam.	1

Zoning Requirements for R-4		
Requirements	Required	Actual
Minimum Lot Size		13,350 SF
Lot Width		75 Feet
Max. Width @ Building Line		75 Feet
Front Yard Setback		30 feet
Rear Yard Setback		76 feet
Side Yard Setback		8 ft. / 29 ft.
Max. Building Height		14 feet
Required Lot Frontage		75 Feet
F.A.R. Ratio		
Development Ratio		
Off Street Parking	30	13

Site Plan Notes:

1. Name of project is "A Funeral Home Conversion at 161 Walsh Rd, New Windsor, N.Y.". The size of the lot is approximately 13,350 SF. S/B/L is 13/5/29.
2. The project applicant is Linwood Rhodes, Jr. 37 South St., Highland Falls, N.Y. 10928.
3. The property owner is Alex Santoro and Robert Kohl.
4. Building Info:
 - Proposed Use - Funeral Home, C5 occupancy.
 - Existing 1st Floor Total - 1,895 SF
5. Boundary, topography, and Lot information from Vincent J. Doce, Associates, L.L.S, May 22, 1995
6. A USE AND PARKING VARIANCE WAS GRANTED BY THE TOWN OF NEW WINDSOR ZBA IN DECEMBER 1995.
7. SITE LIGHTING SHALL BE PROVIDED AT ALL BUILDING ENTRANCES.

SITE PLAN APPROVAL GRANTED
BY TOWN OF NEW WINDSOR PLANNING BOARD
ON MAR 19 1996
BY Edward Stent
EDWARD STENT,
SECRETARY



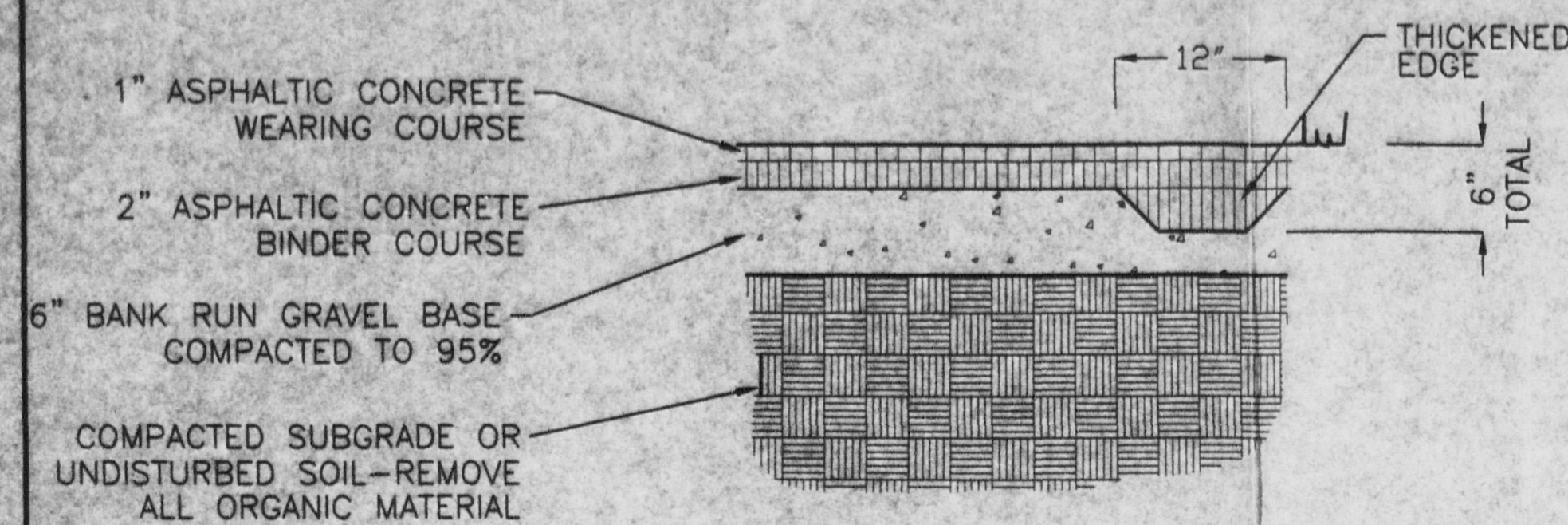
SITE PLAN

1" = 10'-0"

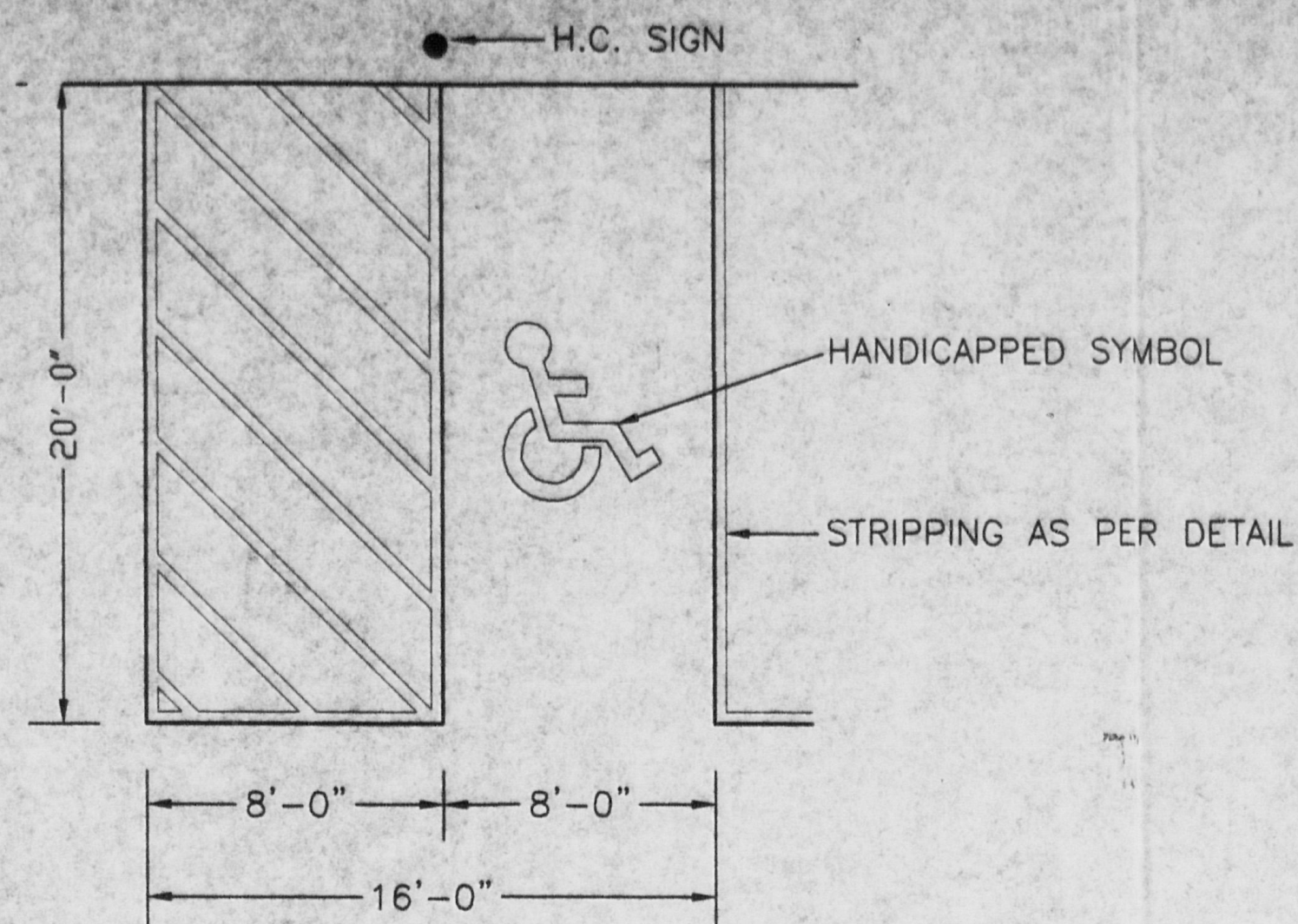


Anthony J. Coppola
Architect
175 Liberty St.
Newburgh, N.Y. 12550
Tel: 914-561-3559
Fax: 914-561-2051

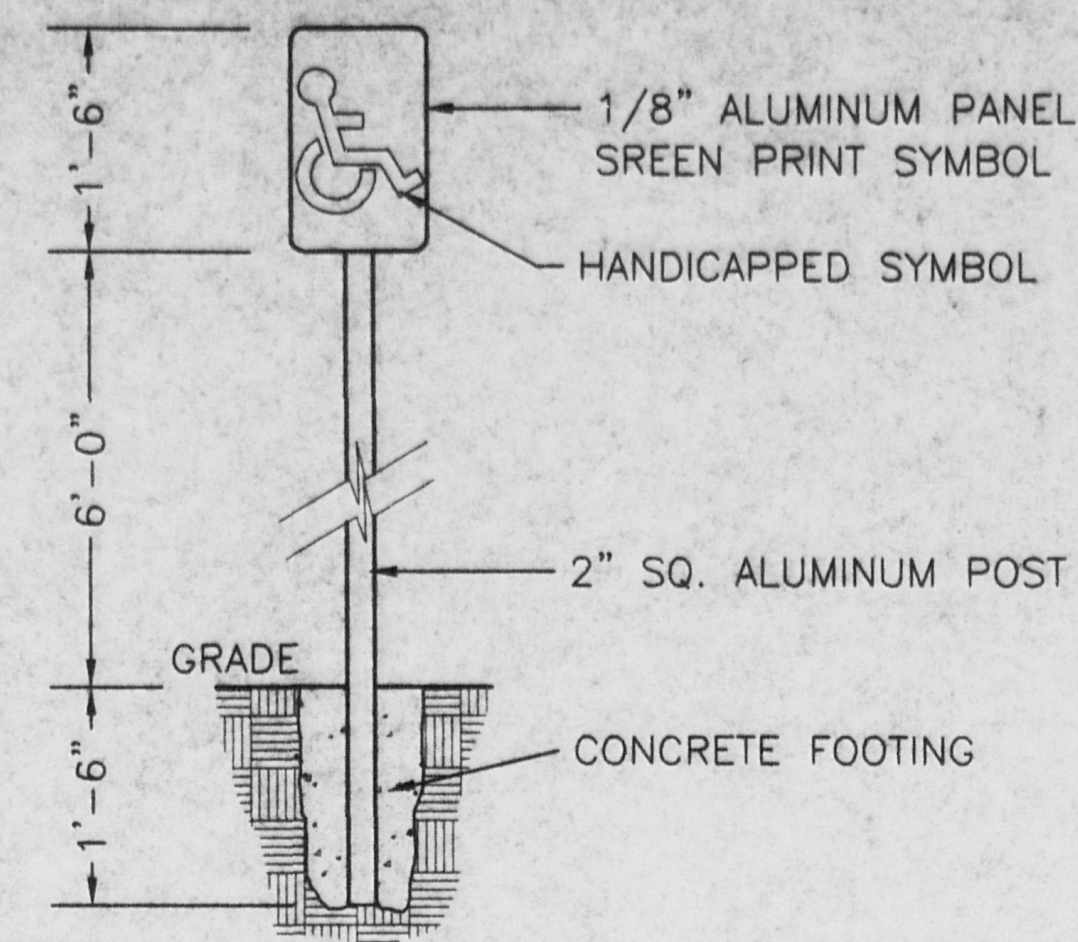
Project: **FUNERAL HOME CONVERSION AT 161 WALSH RD. NEW WINDSOR NY**
SITE PLAN
Date: 6/4/95 Revised: 3/2/96 Drawing Number: **SP1 OF 2**



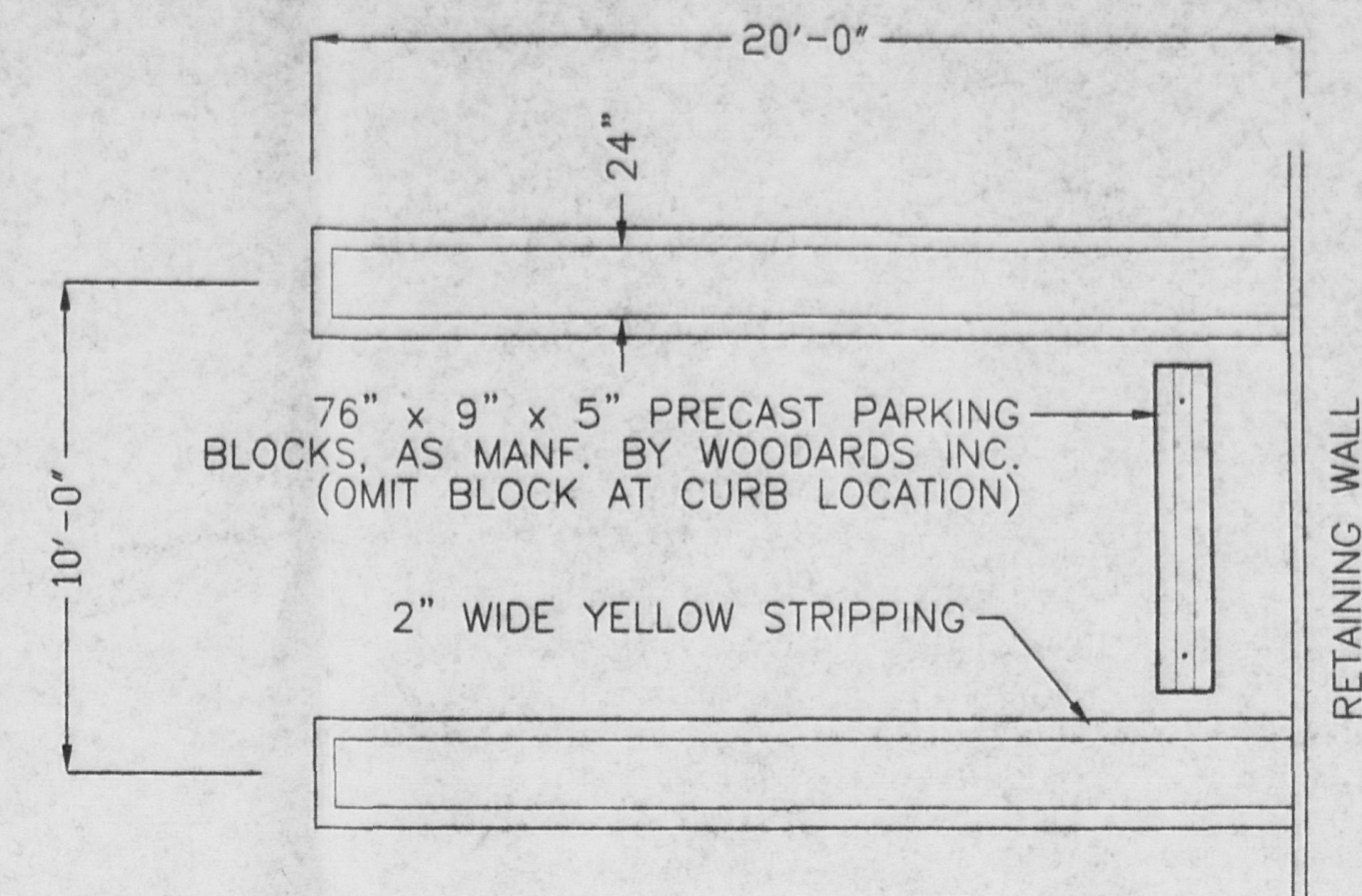
1 Edge Of Pavement Detail
SP2 Scale: N.T.S.



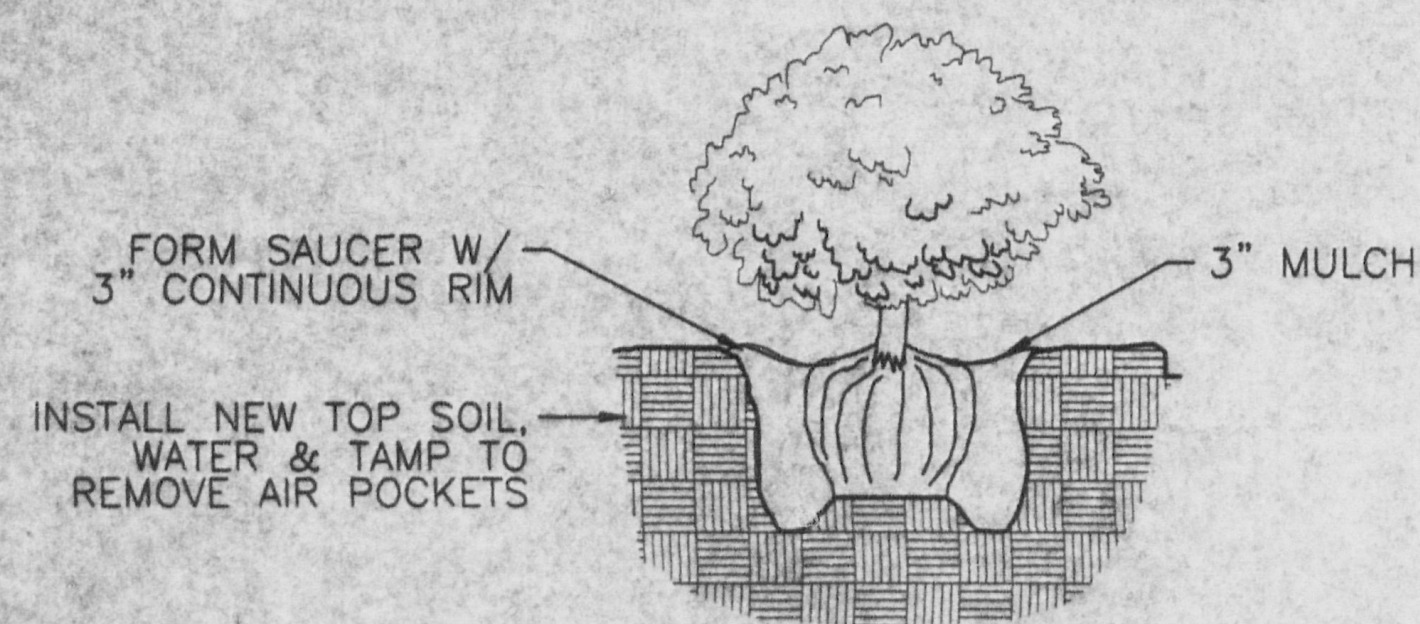
2 H.C. Parking Detail
SP2 Scale: N.T.S.



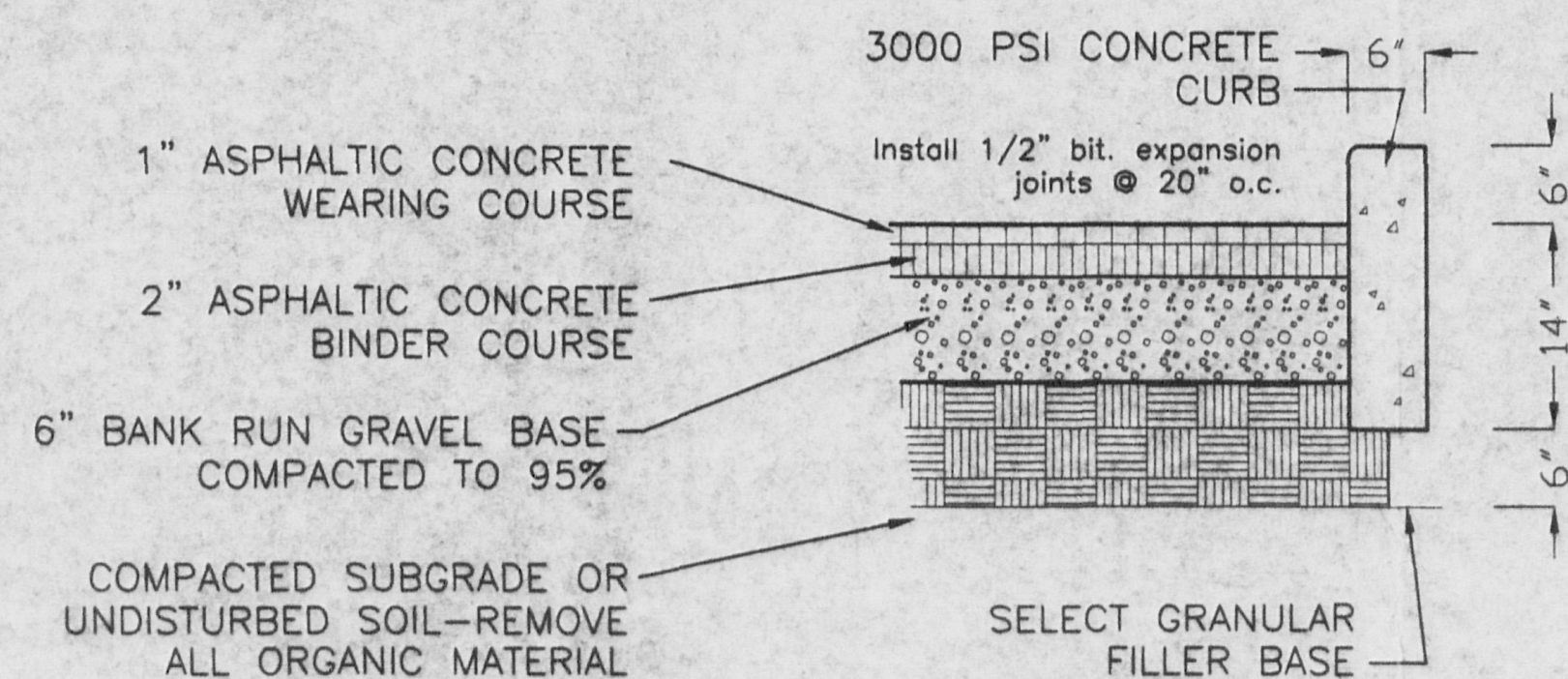
3 H.C. Parking Sign
SP2 Scale: N.T.S.



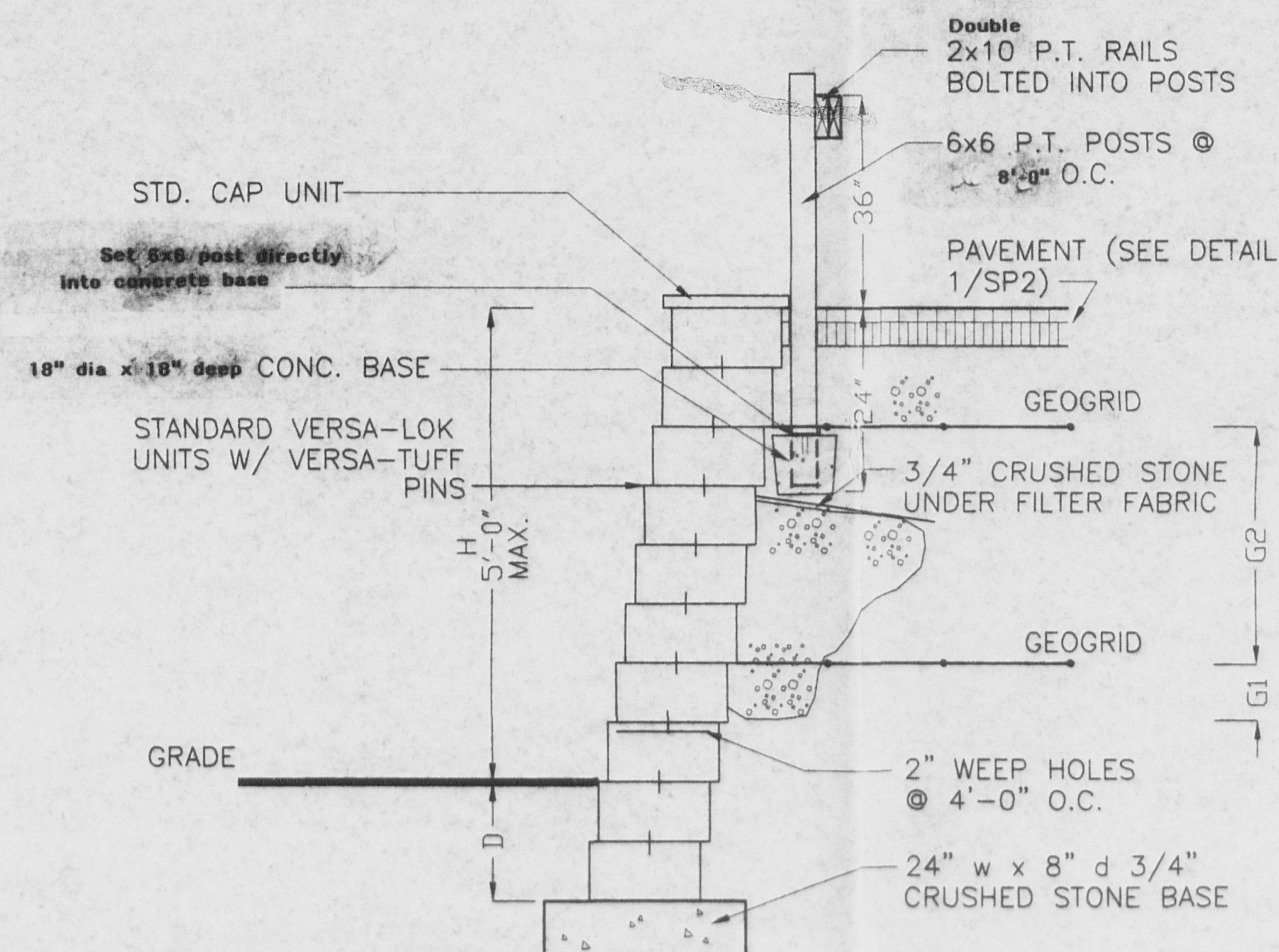
4 Typ. Parking Spot
SP2 Scale: N.T.S.



5 Tree Planting Detail
SP2 Scale: N.T.S.



6 Edge Of Pavement W/ Curb Detail
SP2 Scale: N.T.S.



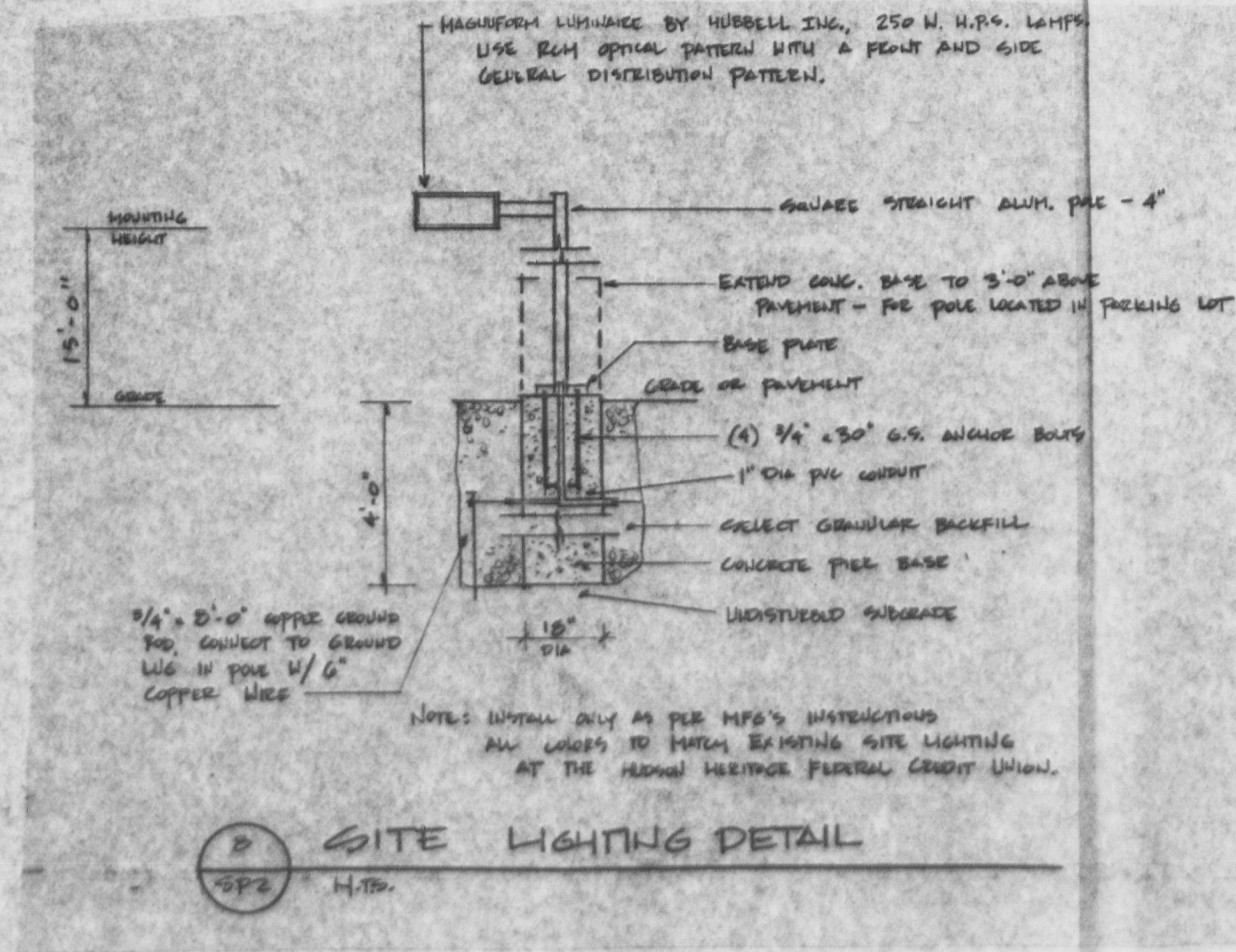
VERSALOK RETAINING WALL

NOTE: FOLLOW ALL VERSA LOK INSTALLATION REQUIREMENTS. SOIL CONDITION IS ASSUMED TO BE SAND/GRAVEL MIXTURE.

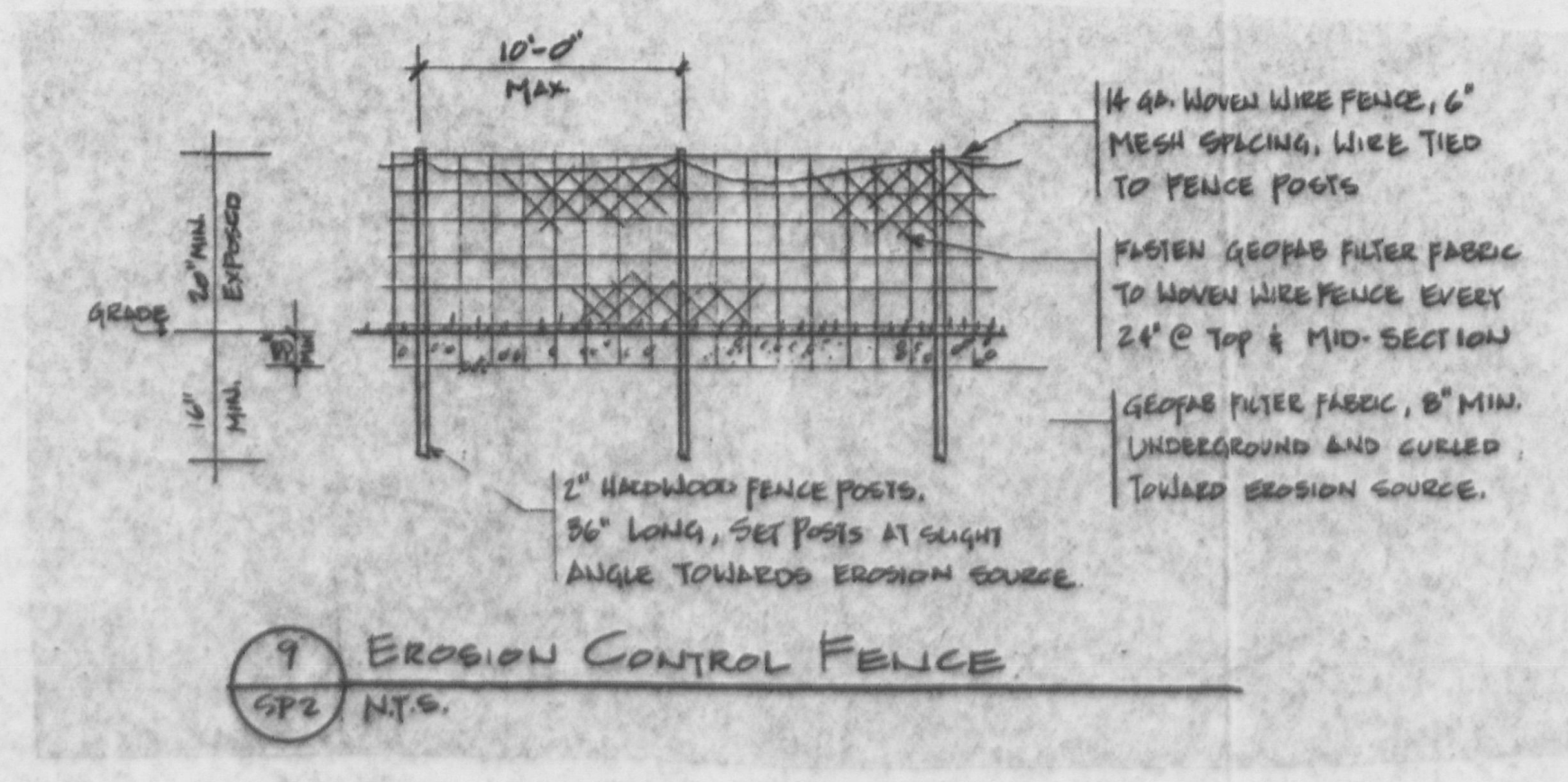
SITE PLAN APPROVED BY TOWN OF NEW WINDSOR PLANNING BOARD ON MAR 19 1996 BY EDWARD SCENT, SECRETARY

7 Wood Guardrail W/ Retaining Wall
SP2 Scale: N.T.S.

Versa-Lok Grid Requirements					
H	D	Grid Type	Grid Length	Grid Location	
				G1	G2
3'-0"	6"	SS2	2'-8"	1'-6"	-
4'-0"	1'-0"	SS2	3'-6"	1'-0"	2'-6"
5'-0"	1'-0"	SRI	4'-3"	1'-0"	3'-0"



8 SITE LIGHTING DETAIL
SP2 H.T.S.



9 EROSION CONTROL FENCE
SP2 N.T.S.

Anthony J. Coppola
Architect
175 Liberty St., Newburgh, N.Y. 12550
Tel: 914-561-3559
Fax: 914-561-2051

REGISTERED ARCHITECT
ANTHONY J. COPPOLA
STATE OF NEW YORK
License Number: 018840

Funeral Home Conversion At:
161 Walsh Rd.
New Windsor, New York

Revisions
2/24/96
Drawn By:
D.L.
Date:
1-3-95
SCALE:
AS NOTED
PROJECT NUMBER
95-09

Sheet No.
SP2

SITE PLAN DETAILS

